



» [The Watcher](#) » [December 2, 2003 Vol.4, No.24](#)

In This Issue

Federal Budget

[Economy and Jobs Watch: Consumer Debt Increases, Savings Rate Down](#)
[Congress' Unfinished Business](#)

Information Policy

[Representatives Increase Efforts to put Congressional Research Reports Online](#)
[Workshop Reveals Flaws in Peer Review Bulletin](#)

Nonprofit Issues

[CARE Act Update](#)
[House Committee Seeks Info on Election Activities of Nonprofits](#)
[FEC Begins Implementing Ban on Electioneering Communications](#)
[Senate Judiciary Committee Holds Hearing on PATRIOT Act](#)
[New Studies Examine Faith-Based Initiative](#)
[Tougher Restriction on Funds Limits Equal Access to Civil Justice](#)
[IRS Requests for Comments on Exempt Organizations Filing Requirements](#)

Regulatory Matters

[Congress Drops Block on Bush Overtime Proposal, Strikes Deal on Media Ownership](#)

[Congress Clears Way for Logging, Offers Little Help to Fire-Prone Communities](#)

[Federal Judge Rebukes Bush Administration's Hard-Rock Mining Rules](#)

[Bush Administration Considers Relaxing Rules for Radioactive Waste](#)

Right-to-Know

[Kansas to Review Open Record Exemptions](#)

Economy and Jobs Watch: Consumer Debt Increases, Savings Rate Down

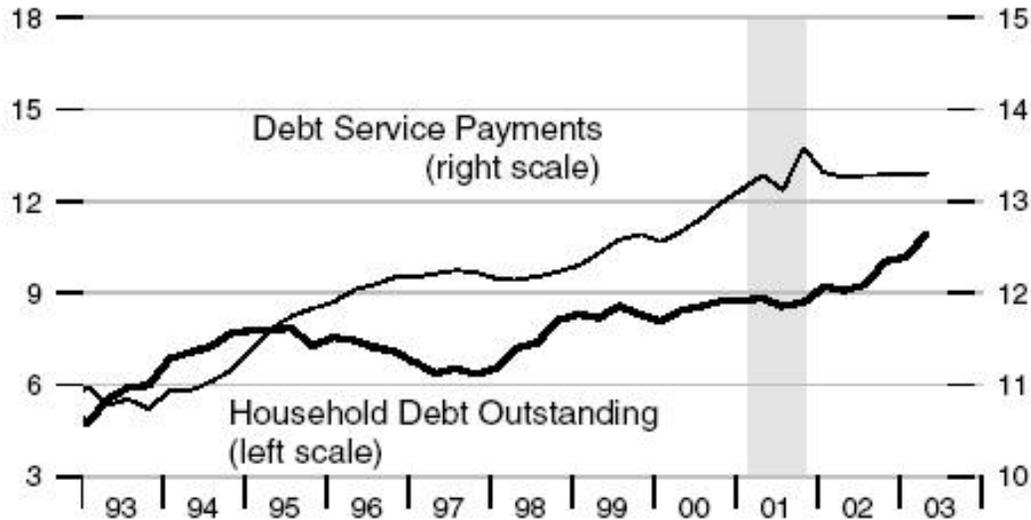
While very recent economic news of gross domestic product growth at an 8.2 percent annual rate in the third quarter indicates some long-overdue strength -- mounting levels of both public and private debt remain a concern, both for the near future as well for the health of the economy in the long-run.

In the second quarter of 2003, household debt increased at an 11.5 percent annual rate, the largest increase in 15 years, according to the Federal Reserve. Total household debt is now nearly \$9 trillion and has grown by over 50 percent from 5 years ago. Debt service payments have been steadily growing over the past 10 years (see graph)

Debt Service Payments and Household Debt Outstanding

Percent change from year ago, quarterly data

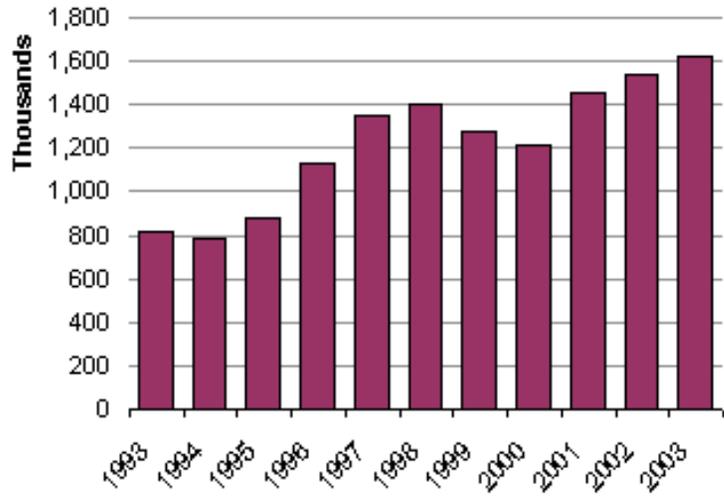
Percent of disposable personal income



Source: Federal Reserve Bank of St. Louis.

As one might expect, this increase in household debt is associated with an increase in bankruptcies over the past 10 years. In fiscal year 2003, non-business bankruptcy filings totaled 1,625,813 – the highest on record, and up 98 percent from 1994, according to the Administrative Office of the US Courts. The graph below shows the dramatic upswing in the number of non-business bankruptcy filings.

Non-Business Bankruptcy Filings

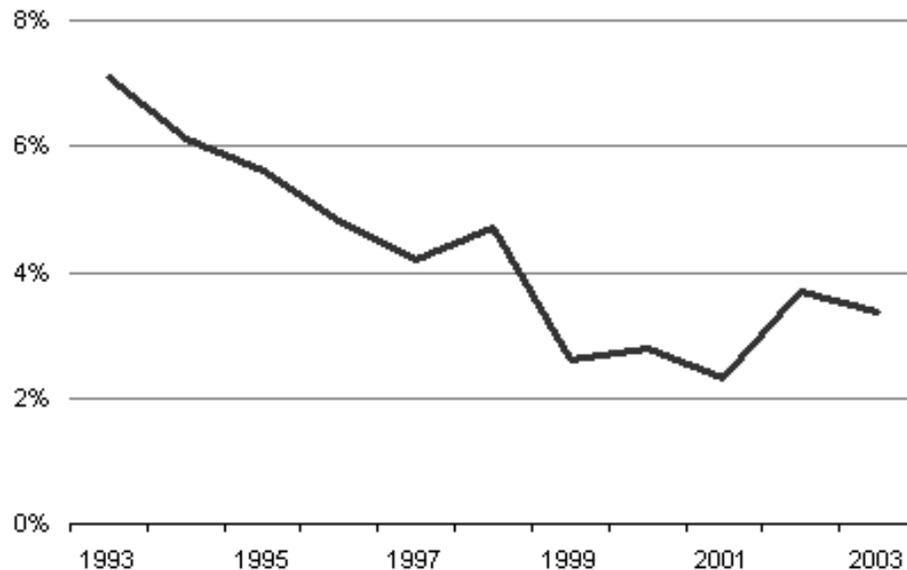


Source: American Bankruptcy Institute and Administrative Office of the U.S. Courts

The increase in the total household debt is worrisome because greater debt is a sign of lower savings rates. A lower savings rates means there is less money available to invest for future economic production, which is potentially harmful to the economy's long-run prospects. Figure 2 shows the U.S. personal savings rate over this same 10-year period. Over this period, the savings rate has been cut in half.

Personal Savings Rate

Percent of Disposable Income



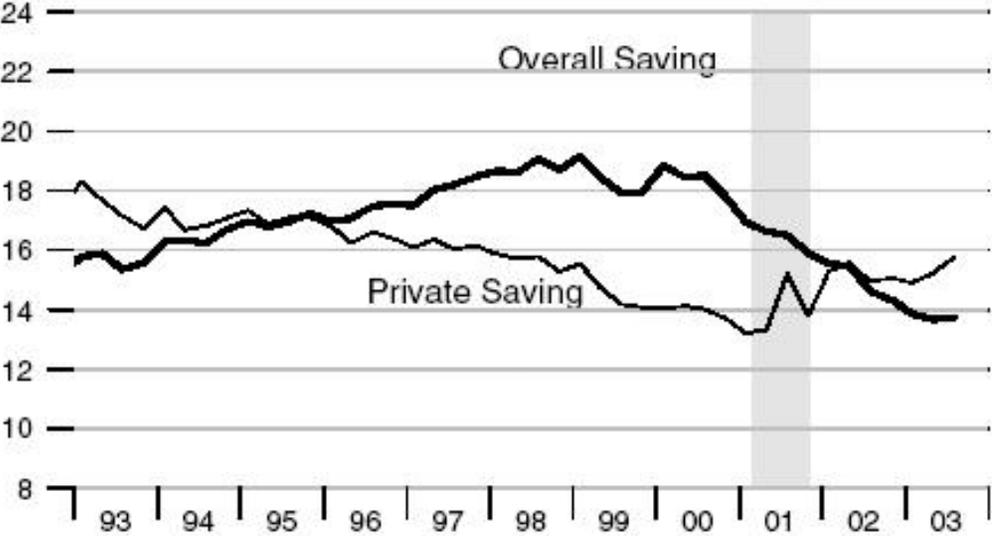
Source: Bureau of Economic Analysis

In the late 1990's the decline in private savings was partially offset by the federal government's "public savings," since the federal government was running a surplus. Currently, with the federal government returning to massive deficits, total savings – the sum of private savings and the government surplus – has suffered greatly. The following graph shows how the overall saving in the economy has dropped substantially after improving throughout the 1990s. The overall savings rate is now the lowest since 1945 -- at less than 14 percent of GDP.

We need to address the long-run health of the economy by boosting overall savings – running a responsible fiscal policy and shoring up the revenue of the federal government is a necessary component of this effort.

Gross Saving Rates

Percent of GDP



Source: Federal Reserve Bank of St. Louis.

Congress' Unfinished Business

Congress left for the Thanksgiving break after passing less than half of the 2004 appropriations bills that fund government.

Even though the fiscal year began on Oct. 1, 2003, the only finished appropriations bills are Defense, Military Construction, Homeland Security, Legislative Branch, Interior, and Energy and Water. There are 7 remaining bills - Agriculture, Commerce-Justice-State, District of Columbia, Labor-HHS, Veteran's Affairs and HUD, Transportation-Treasury, and Foreign Operations. All of the government agencies and departments that receive their funding from those 7 remaining appropriations bills are operating at 2003 funding levels as a result of the latest of 6 continuing resolutions running through Jan. 31, 2004. Operating under continuing resolutions at last year's funding level makes it extremely difficult for agencies to plan, schedule raises, or create new initiatives that were not funded in 2003.

The remaining seven appropriations have been wrapped together, along with a lot of other provisions, into an "omnibus" bill. The conference report of the mammoth omnibus bill, H.R. 2673, filed in the House on Nov. 25, includes approximately \$328 billion in discretionary spending, and \$490 billion in spending for mandatory programs.

Senate Majority Leader Frist (R-TN) had hoped for a Senate vote on the bill before members left on Nov. 25 or in a special session early in December. However, many Democrats and Republicans opposed the vote, citing numerous problems in the bill. The House may vote on the bill when it returns for a single day on Dec. 8. A December vote is possible for the Senate, but unlikely. Given the strength of Democratic objections to the bill and the fact that it is not amendable, it is possible no vote will occur even in January when the Senate returns, and that it will need to be sent back to conference. Some of the issues of concern include:

- A provision blocking the Labor Department's proposed rule on overtime was dropped from the bill because of the threat of a White House veto;
- A competitive sourcing initiative by the administration was included that would allow more competition by the private sector for federal jobs, denying appeals to federal employees who lose competitive bids and eliminating the requirement that cost savings from outsourcing be shown;
- Numerous earmarks for state and district projects are included;
- A provision raising the cap that limits expansion of stations watched by 35 percent of the nation's viewers to 39 percent was included;

- A provision allowing firearms retailers to destroy documents required for gun sales after 25 hours instead of after 90 days;
- The creation of a school voucher program in the District of Columbia; and
- Continuation of the 40 year old ban on travel to Cuba.

The 2004 appropriations overall will exceed the limit on appropriations agreed to in the budget resolution by about \$4.6 billion. Offsets included in the omnibus bill are "taking back" \$1.8 billion in unspent defense funds, and an across-the-board 0.6 percent cut to all other programs for another \$2.8 billion in savings.

Besides failing to accomplish its obligation to debate and pass 7 appropriations bills before the beginning of the fiscal year, Congress also failed to:

- Address the plight of those who have been unemployed for a long time, of which will lose their state unemployment compensation benefits at the rate of 80,000 to 90,000 each week in Jan. 2003, according to a report by the Center on Budget and Policy Priorities;
- Pass a child tax credit for the low-income working families who were left out of the 2003 tax cut bill. According to a report by the Center on Budget and Policy Priorities, there were 8.1 million taxpayers left out;
- Do anything about the expiration of the moratorium on taxing the provision of Internet services. While the ban has expired, it is unlikely that there will be a stampede to impose taxes, since most state legislatures are not in session.

The omnibus appropriations bill is a sign of the inability of Congress to accomplish even its most pressing tasks -- appropriating the funds that run the government. Rather than each relevant subcommittee working on each appropriations bill, using its knowledge about the appropriations area and exerting its oversight, omnibus bills are subject to a vote on legislations that has attractive earmarks, negotiations about policy that occur behind closed doors without real debate, and provisions that have nothing to do with funding government. Furthermore, while it is likely that every member of Congress could find something to hate in the bill, the vote is on the whole bill, and voting against it is voting against funding government, making for a difficult decision. Finally, the sheer quantity of the bill makes it difficult to even know what provisions included. In this case, the delay until December or January may at least guarantee that the contents of the bill will have been read and understood.

Representatives Increase Efforts to put Congressional Research Reports Online

Members of the House of Representatives interested in public access are pushing for a bill to put all Congressional Research Service (CRS) reports online. This new push comes after the September expiration of a pilot program that provided hundreds of CRS reports to the public on the Internet.

The CRS is the research arm of the U.S. Congress and authors numerous reports and products on issues ranging from the environment to budget. Even though taxpayers pay over \$80 million annually to fund CRS operations, the public is unable to access the reports through the organization's website, a feature restricted to congressional offices. Until the end of September, the House Administration Committee's test program allowed access to a portion of the CRS research through lawmakers' sites.

Reps. Christopher Shays (R-CT) and Jay Inslee (D-WA) introduced H.R. 3630, a bill that would require CRS to make all of its reports available to the public 30 to 40 days after Congress receives them. Only confidential research or reports created specifically for a congressional office or committee would be exempt from the requirement. While restricting access to confidential information seems completely reasonable, the rationale behind restricting public access to research conducted for congressional offices and committees remains unclear. The legislation is also co-sponsored by Reps. David Price (D-NC) and Mark Green (R-WI).

Sen. John McCain (R-AZ) introduced a related resolution, S. Res. 54, to the Senate before the pilot program expired. The resolution, co-sponsored by Sens. Tom Harkin (D-IA), Patrick Leahy (D-VT) and Joseph Lieberman (D-CT), calls upon the Senate sergeant-at-arms to work with CRS to make the reports available to the public electronically.

Workshop Reveals Flaws in Peer Review Bulletin

The National Academy of Sciences (NAS) held an all day workshop Nov. 18 that brought together regulators, academics, industry and public interest groups to discuss the Office of Management and Budget's (OMB) draft bulletin on peer review. By the end of the day, presenters and participants had expressed various concerns about the impact of the bulletin as currently written and uncovered fundamental flaws with the policy.

OMB's Aug. 29 draft bulletin on peer review proposes a more uniform standard of peer review for all federal agencies. The bulletin would establish a variety of strict requirements for agencies conducting peer review including that all "significant regulatory information" be peer reviewed, that a public comment period be added to all peer reviews and that agencies obtain input and approval of their peer review policies from OMB's Office of Information and Regulatory Affairs (OIRA) and the White House Office of Science and Technology Policy (OSTP).

Numerous participants noted that OMB had not fully established a need for the overarching peer review policy. OMB makes several claims in the bulletin's introductory statement that federal agencies either do not have satisfactory peer review policies or are not effectively applying them. However, workshop participants noted that OMB does not present any proof or examples of these claims. It was argued that if OMB does not establish and clearly define a problem, then the appropriate course of action cannot be determined and the bulletin should be dropped.

Several ex-regulators noted that the bulletin, as currently written, would create more problems than it solves and would allow more mischief and delay within an already difficult regulatory process. One speaker noted that the bulletin would provide already powerful industry groups with greater access and influence over the science upon which regulations are based. Another ex-regulator expressed great concern that OMB seems to be placing itself as the arbiter of science and information quality when there are several other agencies or organizations with greater experience in peer review and quality assurance of scientific data such as National Institutes of Health, the Food and Drug Administration, the Environmental Protection Agency or even the NAS, which hosted the workshop.

OMB's claim that the costs of implementing the peer review policy would be negligible was raised several times during the workshop. John Graham, administrator of OIRA, stood by this assessment during the workshop. However, several participants disagreed with this claim and asserted that the cost would be considerable. Though peer review is traditionally a professional courtesy performed by experts for free, it was proposed that only financial compensation would enable agencies to acquire the vast number of reviewers needed under the new policy. The irony of OMB, a fervent advocate of cost-benefit analysis for regulations, basically dismisses the issue

of cost for its draft bulletin failed to amuse attendees who seemed outraged at the hypocrisy.

Participants also criticized the process by which OMB developed the draft bulletin. The primary complaint seemed to be that OMB did not consult either agencies or academic peer reviewers prior to drafting the bulletin. At least one panelist believed that OMB should withdraw the draft bulletin and start from scratch while engaging agencies and academics. The recommended process would first catalog the various forms of peer review and then allow agencies to review each other's peer review policies to identify strengths and weaknesses as well as recommend more focused policies to improve the process.

Some other concerns that were raised and discussed during the workshop included:

- Adequate disclosure of conflicts of interest;
- OMB assuming oversight of emergency health decisions that circumvent peer review;
- The usefulness of a public comment process during peer review;
- Whether OMB has the legal authority to propose these peer review policies.

Essentially, both academics and regulators at the NAS workshop expressed serious concerns about the draft bulletin and considered it deeply flawed. Implementing the bulletin would be problematic and more costly than anticipated with very few, if any, benefits. Indeed the bulletin might cause more problems, in the form of additional delays in the regulatory process and lost objectivity in the peer review process. Finally, many attendees seemed to prefer that OMB scrap the draft bulletin and start a stakeholder inclusive process to identify peer review problems of federal agencies and develop policies to fix those problems.

The public comment period for the draft bulletin on peer review remains open until Dec. 15.

CARE Act Update

Sen. Rick Santorum (R-PA), a co-sponsor of the CARE Act, told BNA last week about an effort to resolve one major difference between the House and Senate versions of the bill- offsets to make up for lost revenue from expanded tax deductions for charities.

Santorum said that discussions with Senate Finance Committee ranking member Max Baucus (D-MT), ranking member on the Senate Finance Committee, and House Majority Whip Roy Blunt (R-MO) are looking at revenue raisers from exempt organizations. This would mean eliminating some of the tax deductions. A Finance Committee GOP aide told BNA that the focus is on land sales, purchases and donations, largely as a result of the committee's investigation of the Nature Conservancy. An upcoming General Accounting Office report on the value of donations for automobiles may provide additional ideas.

The Senate bill pays for expanded tax deductions by eliminating several corporate tax shelters, but the House bill does not have any such offsets.

House Committee Seeks Info on Election Activities of Nonprofits

The House Administration Committee scheduled a Nov. 11 hearing to investigate the ways in which political action committees (PACs) are using soft money after passage of the Bipartisan Campaign Reform Act of 2002 (BCRA).

Chair Bob Ney (R-OH) issued a news release saying, "In recent months, many of us in the Congress have watched with increasing concern as organizations have been formed in the wake of BCRA with the apparent intent of using soft money to influence federal elections -- something which the Bipartisan Campaign Reform Act purported to ban."

Ney, who opposed BCRA, seems confused over its meaning. BCRA bans soft money contributions to political parties, not nonprofit PACs. It does require PACs to report contributions and expenditures that expressly advocate election or defeat of a federal candidate (hard money) to the Federal Election Commission (FEC). However, PACs can raise and spend soft money that does not expressly advocate election or defeat, but does seek to impact the outcome of federal elections. These expenditures and donors must be reported to the Internal Revenue Service

(IRS), which has set up a special website that makes this information publicly available, in a searchable format.

The Nov. 20 hearing did not proceed because six Democratic leaning groups refused to attend, claiming the hearing was politically motivated and unprecedented. Ellen Malcolm, president of America Coming Together, said the hearing was “a blatant, taxpayer-financed-attempt -- through innuendo and false charges -- to try and discredit legitimate grass roots, political organizations who have a different agenda than the Republican majority in the House.” Steve Rosenthal of the Partnership for America’s Families called the hearing a “misuse of political power” aimed at forcing his group to reveal its political strategy.

Other groups that refused to testify include American Family Voices, America Votes, the New House PAC and the Democratic Senate Majority Fund. Several Republican leaning groups, including the Leadership Forum and Americans for a Better Country, did attend the hearing, but were excused by the chair when the other groups did not show.

Instead of conducting the hearing, the committee voted 4-3 along party lines to grant Ney subpoena authority for the individuals asked to testify and anyone else Ney believes has information relevant to the committee’s investigation. A Ney spokesperson said he would not issue subpoenas immediately. Rep. John Larson (D-CT), the committee’s ranking Democrat, said the open-ended authority could have a chilling effect on the groups’ activities.

Meanwhile, the IRS is planning a new compliance program to ensure that soft money PACs are making required disclosures. The plan will be implemented in the spring of 2004 and include efforts to validate filed reports and identify groups that are failing to file as required by the 2000 “Stealth PAC” law.

FEC Begins Implementing Ban on Electioneering Communications

Nonprofits that are not exempt under Section 501(c)(3) of the tax code will have to comply with new restrictions on using names of federal candidates in paid advertising. The Federal Election Commission (FEC) recently published a schedule of state-by-state dates for implementation for presidential and congressional primary and general elections.

Regulations implementing the Bipartisan Campaign Reform Act of 2002 prohibit corporations, including nonprofits that are not charities under the tax code from referring to federal candidates in paid broadcasts within 60 days of an election or 30 days of a primary. There is an exception for ads that are not targeted to the district where the candidate is running, and expenses over \$10,000 must be reported to the FEC within 24 hours. The FEC will enforce the rule until the Supreme Court makes judgment on a Constitutional challenge to the law, and depending on the outcome, may have to revisit its regulations.

Senate Judiciary Committee Holds Hearing on PATRIOT Act

On Nov. 18 the Senate Judiciary Committee held a hearing, "America after 9/11: Freedom Preserved or Freedom Lost?" that focused on the PATRIOT Act and other post 9/11 policy impacts on civil liberties.

Testimonies, which came from people on opposite ends of the political spectrum, spoke in opposition to provisions of the act. The American Civil Liberties Union along with former Rep. Bob Barr, who voted in favor of the act while a member of Congress, criticized the act. Barr told the Committee, "Little did I, or many of my colleagues, know the act would shortly be used in contexts other than terrorism, and in conjunction with a wide array of other, privacy-invasive programs and activities."

One of the major problems cited is Section 215, which allows the FBI access to personal records of individuals without showing probable cause or a connection with terrorism. Recently the Justice Department announced that it has not used Section 215, but James Dempsey of the Center for Democracy and Technology told the committee that the lack of use shows the provision is unnecessary and should be repealed.

New Studies Examine Faith-Based Initiative

Since his inauguration, President Bush has touted and encouraged his Faith-Based and Community Initiative as one of the best ways to help our country's most vulnerable citizens. However, new studies released October on the initiative find that states and local governments are not rapidly incorporating these new provisions, and services provided by faith-based organizations may not be any more effective than that of secular social service providers.

Specifically, these studies – conducted for a research conference held by The Roundtable on Religion and Social Welfare detail a general comparison of faith-based and secular service agencies; provides of the relative effectiveness of faith-based welfare-to-work programs in Los Angeles; the state of the law surrounding government partnerships with faith-based service providers; and the policy environment for faith-based organizations contracting with government in all 50 states with an in-depth look into Texas, Florida, New Hampshire, Oklahoma, and Montana. The main point coming out of this year's conference is that not enough is known about the participation of faith-based organizations in government-financed social services. Additionally, more research will have to be done in order to prove or disprove President Bush's belief that faith-based organizations are better social service providers than their secular counterparts.

Here is a summary of the studies:

Tougher Restriction on Funds Limits Equal Access to Civil Justice

Efforts to provide legal assistance to members of low-income communities are hampered by federal restrictions on funds according to reports by The Center for Law and Social Policy (CLASP).

This report uncovers the history of civil legal aid for low-income people, describing congressional support for, and opposition to, the Legal Services Corporation (LSC) from its inception to the present day. The report offers recommendations to make legal aid stronger, calling on Congress to re-examine its 1996 restrictions on funds for the Legal Services Corporation. One of these restrictions bans legal services programs from using their private dollars for lobbying or class action litigation.

Legal Services Corporation was established in 1975 by the Legal Services Corporation Act, and is the federal granting entity for legal assistance. In 1994, conservatives tried to eliminate LSC. In 1996, Congress cut LSC funds by 30 percent. In 2003, President Bush appointed a new board to LSC. For more information on the history of the LSC, read the CLASP report, [Equal Justice for All: A Brief History of Civil Legal Assistance in the United States](#).

IRS Requests for Comments on Exempt Organizations Filing Requirements

The Internal Revenue Service (IRS) is seeking comments on an existing final regulation, Public Inspection of Exempt Organization Returns.

The Internal Revenue Code section 6104(b) authorizes the IRS to make available to the public the returns required to be filed by exempt organizations. As part of the Department of Treasury's continuing effort to reduce the paperwork and respondent burden it is inviting the general public to take this opportunity to comment. The comments submitted will be included in the request for the Office of Management and Budget's approval.

The IRS are asking for the comments to address only five different issues, which include: (a) Whether the collection of information has practical utility; (b) The accuracy of the agency's estimates of the paperwork burden on taxpayers; (c) Ways to enhance quality, utility, and clarity of the information collected; (d) Ways to minimize

the burden of collection of information on respondents; and (e) Estimates of capital or start-up costs of operation, maintenance, and purchase of services to provide information. Comments are due Jan. 20, 2004.

Congress Drops Block on Bush Overtime Proposal, Strikes Deal on Media Ownership

Congressional leaders recently agreed to drop appropriation riders that would have blocked administration proposals to cut overtime eligibility and allow greater media consolidation. The White House had threatened to veto any legislation that contained language impeding either of these measures.

The administration's overtime proposal, which was issued in March, would dramatically increase the number of workers who qualify as administrative, professional, or executive, stripping at least eight million of their right to overtime pay in the process, according to [a study by the Economic Policy Institute](#). Sen. Arlen Specter (R-PA), chairman of the Labor, Health, Human Services and Education Subcommittee, had vowed to block the proposal but apparently backed down after GOP leaders threatened to cut \$4.7 billion from social, health care and education programs, [according to the Washington Post](#).

Under the media ownership rules, which the [Federal Communications Commission \(FCC\)](#) issued in June, a single company could own TV stations reaching up to 45 percent of the national TV audience, up from 35 percent. Last week, congressional negotiators lifted their block after striking a compromise with the White House for a 39 percent cap instead, which conveniently allows Fox and CBS to keep their existing stations.

Both of these riders were contained in the FY 2004 omnibus appropriations bill ([H.R. 2673](#)), which Congress is expected to vote on in early December.

Congress Clears Way for Logging, Offers Little Help to Fire-Prone Communities

Congress recently approved legislation that allows logging in old-growth forests and does little to limit wildfire risks in areas close to homes.

The Healthy Forests Restoration Act passed the House by a vote of 286 to 140, with the Senate following suit by voice vote. The measure, which takes its cue from President Bush's "Healthy Forests Initiative," allows increased commercial logging of old-growth trees in national forests, purportedly to reduce runaway forest fires that have plagued the West in recent years, even though such trees are not the source of the problem.

Rather, these catastrophic fires are the result of a buildup of small trees and underbrush "due to a variety of Forest Service policies, including the practice of extinguishing low-intensity fires" while allowing timber companies to harvest "the larger, most fire-resistant trees," according to the Natural Resources Defense Council. Yet instead of seriously dealing with this problem, the administration has instead exploited it for the benefit of the timber industry, which gave \$3.4 million to the Bush-Cheney campaign and the Republican National Committee during the 2000 and 2002 election cycles.

The bill authorizes \$760 million a year for thinning projects on 20 million acres of public land and requires that just half of the money be spent on projects near at-risk residential communities.

"Communities across the West are not getting the help they desperately need," said Sean Cosgrove of the Sierra Club. "If the Bush administration and Congress are serious about protecting homes and lives, they should appropriate sufficient funds and earmark them for work around communities."

The measure also encourages courts to expedite reviews of complaints and appeals against timber projects. Under the bill, only individuals who submit written comments on proposed projects will be permitted to launch administrative appeals and judges will have to renew preliminary injunctions blocking projects every 60 days.

Federal Judge Rebukes Bush Administration's Hard-Rock Mining Rules

A federal judge recently instructed the Interior Department to rewrite part of its new hard-rock mining rules after finding that mining companies are not being required to pay fair market value for use of public lands. The judge criticized the Bush administration's overall interpretation of federal law on hard-rock mining, but stopped short of striking down the rules, stating that he did not have legal grounds to do so.

In October 2001, the Bush administration weakened environmental and land use protections for hard-rock mining (that includes gold, silver, copper, and other minerals, but not coal), which were issued shortly before President Clinton left office. This stripped the Bureau of Land Management (BLM) of authority to block proposed mines on federal land that could result in "substantial irreparable harm," locking in a sweetheart arrangement for mining interests, which urged the rollback.

The Mineral Policy Center, along with two other organizations, challenged the rule change, arguing that it runs counter to the BLM's statutory duty to prevent unnecessary or undue degradation of public lands.

Judge Henry H. Kennedy of the U.S. District Court of the District of Columbia agreed with the plaintiffs that the rules "prioritize the interests of miners," and "may well constitute unwise and unsustainable policy." But he concluded that in writing the rules, the Interior Department did not violate the law.

Kennedy found, however, that the department operated under an "erroneous assumption that it did not need to attempt to obtain fair market value for mining operations conducted on unclaimed land." Consequently, he ordered Interior to re-evaluate the standards with respect to compensation for the use of public lands.

"We lost the procedural battle, but we may have won the greater legal war," said Steve D'Esposito of the Mineral Policy Center. "This ruling sends a strong message that mines that threaten community health and clean water can be rejected. And we think they should be."

Bush Administration Considers Relaxing Rules for Radioactive Waste

The Bush administration is considering a plan to allow low-level radioactive material to be stored in ordinary landfills and hazardous waste sites. Currently, such waste must be stored at facilities specifically licensed for radioactive material.

Under the plan, EPA would permit radioactive waste to be disposed of in landfills designed and permitted only for chemical waste, industrial waste and municipal garbage.

A coalition of environmental organizations, including the Nuclear Policy Research Institute (NPRI), the Nuclear Information and Resource Service (NIRS), the Sierra Club, and Public Citizen, sent a letter to EPA Administrator Michael Leavitt warning that this action “could significantly harm the environment and public health.”

“The EPA’s proposal is to deregulate radioactive waste pure and simple,” said Diane D’Arrigo, nuclear waste project director at NIRS. “We are calling on Administrator Leavitt to urge him not to begin his term at the EPA by permitting nuclear power and weapons wastes to go to dumps not intended for radioactive material.”

EPA will be accepting public comments on the matter through March 17, 2004.

Kansas to Review Open Record Exemptions

Kansas state legislators recently opened up the Kansas Open Records Act for review after finding more than 360 exemptions that will expire on July 1, 2005.

Kansas lawmakers previously examined the Open Records Act in 2000 following coordinated efforts by newspapers that tested access to government records across the state. The endeavor uncovered numerous restricted records that should have been open to the public. During the investigation reporters faced resistance including police background checks and in one case, even detention. In response to the reporters' findings, legislators began a controversial review of the law that ended with a compromise that set the 2005 expiration date for exemptions.

The expiration date was aimed at the 45 exemptions outlined in the Act. However, because of the broad language in the 2000 revisions, it actually captured every exemption under the Act including more than 360 exemptions later found across multiple statutes. Professor Ted Frederickson from the University of Kansas school of journalism believes that the out-dated and unnecessary exemptions have enabled the government to hide wrongful behavior.

The new review will examine all of the exemptions and could prove to be a long and exhaustive process. The media has publicized its intention to fight any changes that would inhibit public access to records. State lawmakers and academics have expressed concern that 9/11 will be used as an excuse to restrict important information that should be public. Sen. Kay O'Connor (R-Olathe) supports review of the exemptions as long as the public right-to-know is protected saying "because the people pay for the government and elect the people to run the government, they have every right to know what is going on unless there is a compelling reason to keep some specific information confidential." O'Connor has suggested forming special committees next session specifically to address the review.



© 2001 OMB Watch

1742 Connecticut Avenue, N.W., Washington, D.C. 20009

202-234-8494 (phone)

202-234-8584 (fax)

ombwatch@ombwatch.org