

Critics disagree. "I think it is a very dangerous trend to have this kind of private-public partnership where it insinuates into the very process of government corporations and individuals that stand to profit from it," said Jane Orient, head of the Association of American Physicians and Surgeons, which successfully sued to force the White House to disclose task force working documents.

HHS paid at least a dozen advisers to Hillary Clinton between \$33 and \$49 an hour in consulting fees. Among the highest paid was Walter Zelman, a former California state official and activist for the citizens group Common Cause. He received \$101,649 in consulting fees between January 1993 and March 1994, at a rate of \$48.39 an hour, according to HHS records. Zelman left the administration after the plan's defeat.

Another top consultant was Brian Biles, who was paid \$97,950 over the same period. Biles, a former congressional staff aide, began as a consultant and eventually was hired as a deputy assistant secretary at HHS. He recently left for the private sector.

The AP identified at least 18 members of the working groups as receiving \$851,620 as HHS consultants. They included:

Clifton Gaus, former director of Georgetown University's Center for Health Policy Studies: \$87,336 at \$357 a day. He now heads the Agency for Health Care Policy and Research at HHS.

Roz Lasker, a University of Vermont medical professor and former analyst with the Physician Payment Review Commission: \$85,151 at \$46.48 an hour. She works full time at HHS.

Lawrence Levitt, a former California state insurance official: \$70,429 at \$33 an hour. He has left the administration.

Arnold Epstein, a Harvard University medical professor: \$47,999 at \$48.78 an hour. He has returned to his job.

At the same time, some medical professionals who volunteered their time to advise the task force could not even get their travel costs reimbursed. "I paid for the privilege," said Norman Fost, a University of Wisconsin researcher who absorbed \$7,000 in travel expenses.

He wrote a letter in March 1993 seeking reimbursement for colleagues who were "experiencing more severe hardship." His plea fell on deaf ears.

Several contractors also were hired for technical tasks. Some work multiple hats.

VHI Lewin, a Washington-based consulting firm, did numerous studies for both proponents and opponents of health reform. At the same time, the company was paid by the government to analyze the Clinton plan's impact on long-term care and academic hospitals.

Meantime, VHI Lewin produced what it called an independent study of the economic assumptions in the administration plan. The company picked up the tab for the study, touted repeatedly by Cabinet officials as independent proof that the plan was solid.

The company maintains it did not have a conflict in doing both jobs, saying the personnel who worked on the federal contracts were kept separate from those who did the public analysis.

"We were doing studies for a wide variety of people, including people who opposed the Clinton plan very ardently as well as people in the government," founder Larry Lewin said. "And we tried to do that and maintain the balance so no one side could make the claim they were exerting influence over our objectivity."

## CONTRACT WITH AMERICA LACKS TRUTH IN CONTRACTING CLAUSE

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PASTOR. Mr. Speaker, as you, more than anybody, are aware, today marks the start of the second half of the Contract With America's 100-day campaign. Even though we are 50 days into the legislative process, only now are the details beginning to surface of how the contract will impact on the lives of working people and hinder the ability of our Nation's cities and towns to meet the demand for local services.

Yesterday, the Phoenix Gazette featured a preview of the difficulties the city of Phoenix will face if the legislative proposals contained in the contract are enacted into law. According to the Phoenix's city manager, the program cutbacks called for under the contract will reduce the city's finances by \$10 to \$20 million. The budget items at risk in the city include funding for mass transit, job training, meal programs for the elderly, and emergency utility bill assistance.

Mr. Speaker, what the Contract With America lacks is a "truth in contracting" clause. The contract is being billed as a program that will get the Government off the backs of the people. What communities like the city of Phoenix are beginning to discover is that it will force local governments to abandon the people they seek to serve.

I commend my colleagues to read the Phoenix Gazette article.

[From the Phoenix Gazette, Feb. 22, 1995]

GOP CONTRACT CLOUDS CITY'S FINANCES—\$20 MILLION AT STAKE FOR PHOENIX WHEN FEDERAL CUTS ARE ENACTED

(By Russ Hemphill)

In recent years, Phoenix has survived a slumping economy, layoffs and cutbacks.

But the Republican Congress' Contract with America could be one of the city's biggest challenges yet, officials said Tuesday as they began work on next year's estimated \$1.27 billion municipal budget.

"There really is an extraordinary cloud over us," City Manager Frank Fairbanks said, referring to potential cuts in federal funding.

Fairbanks said "even a conservative guess" would peg federal cuts of Phoenix funds at \$10 million to \$20 million.

"It's not a question of if they cut, it's a question of how much they cut and where they cut," Vice Mayor Craig Tribken said.

"Actually this year's city budget is much improved," Fairbanks said. "If we didn't have some other situations, we would be in a very strong position . . . to respond to some of the community service needs."

Fairbanks said before potential federal cuts are considered, the City Council will have an estimated \$4.7 million for favored projects.

But Phoenix officials estimate at least \$20 million to \$52 million of the city's \$99 million in annual federal funding is at risk.

The highest-risk funding, they said, include \$8.4 million to \$8.9 million for mass transit, job training and human service grants that include meals centers for the elderly and emergency utility bill assistance.

Medium-risk funding includes \$11.9 million to \$42.8 million for programs that include public housing assistance and community development block grants.

President Clinton and Congress have made "strong declarations that the budget needs to be cut," Fairbanks said. His administration understands that, but any significant federal cuts in funding will mean a substantial cut in services to the community," he said.

Councilman Sal DeCiccio said the city should accept the federal cuts without complaint. "The bottom line is the federal government is spending money it doesn't have," DeCiccio said.

"The United States of America is having some problems right now and we all have to chip in," he said.

Fairbanks urged the council to use restraint when committing money to new programs, in anticipation of federal cuts.

"Together, we must prepare for that situation," he said.

Complicating the council's job is timing.

The city will wrap up its budget this summer for the 1995-96 fiscal year. However, some of the federal budget cuts won't be known until September, city officials said.

"The challenge of this is, you not only don't know the amount, you also don't know" which program will be cut, Fairbanks said.

## THE INTEGRATED SPENT FUEL MANAGEMENT ACT OF 1995

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. UPTON. Mr. Speaker, yesterday I introduced the Integrated Spent Nuclear Fuel Management Act of 1995. This is comprehensive legislation designed to address our national problem with high-level nuclear waste by providing workable solutions for managing used nuclear fuel from America's commercial nuclear powerplants.

Nuclear powerplants currently provide more than 20 percent of America's electricity. They do so by harnessing the heat from uranium filled fuel rods to produce steam that turns electric turbines. When the energy in these fuel rods is depleted, the rods are removed from the reactor's core and placed in pools of water.

Where they go next is the focus of this legislation. In Sweden, used fuel rods will eventually go directly to underground storage. In France, the rods are chopped up; the radioactive materials within them are separated and then reprocessed into new fuel rods. These completely different approaches meet both the energy and the environmental needs of their respective countries.

In America, spent fuel rods go nowhere because there is nowhere for them to go. This elliptical sentence accurately describes the nexus of our peculiar problem with nuclear waste: We have been producing thousands of tons of post-reactor wastes over a period of decades without providing a place for their ultimate disposal. The wastes from over 100 nuclear powerplants have accumulated and continue accumulating at 70 sites in more than 30 States.

Nuclear wastes didn't come as a surprise problem like DDT or ozone depleting compounds. We have known from the earliest days of the nuclear era that spent fuel and other nuclear wastes would need the most careful attention. In those early days, however,

planners foresaw a different nuclear cycle or system than the one we now have. They envisioned many more nuclear power plants than exist today, enough to warrant an enormous reprocessing system similar to but larger than the system currently operating in France.

For reasons that I won't go into today, this reprocessing sector did not develop in this country. Rather than following the French reprocessing model, we are now pursuing the once through Swedish approach. This means a home must be found for thousands and thousands of highly radioactive fuel rods.

It was assumed from the outset that the Federal Government would be responsible for these wastes and that some Federal entity would construct and operate the facilities this obligation would require. This assumption became law 13 years ago, with passage of the Nuclear Waste Policy Act of 1982.

The 1982 act set up a nuclear waste trust fund which was and is funded from a special fee on nuclear generated electricity. The fund was established to pay for a Federal nuclear waste repository. The Department of Energy was to begin accepting nuclear waste by January 31, 1998.

Despite the passage of the 1982 act and significant amendments to it in 1987 and the passage of 13 years, the Department of Energy has made little progress toward construction of a repository. The Department announced last year that it could not foresee completion of a repository any earlier than 2010, 16 years hence. Thus, Mr. Speaker, the repository that was 16 years away in 1982 is still 16 years away and half the \$10 billion paid into the nuclear waste fund by electricity consumers has been spent.

We have talked at length in this Congress about unfunded mandates, but this is a prime example of a funded mandate that the Federal Government has not honored. Small wonder that the Department's announcement generated great consternation among public utilities and utility regulators and two separate lawsuits against the Secretary of Energy. Consumers and electric utilities have upheld their end of the 1982 agreement. It's time for the Government to honor its side of the bargain.

Much time has been lost. Much criticism has been directed at the Department of Energy for its failure to achieve the 1982 act's objectives. I will not add to this criticism. As is so often the case in ambitious Federal programs, we have asked good people to do something or to build something that has never been done or built before.

As much as we may appreciate the difficulty of the task, however, I cannot accept the Department's assertion that it "does not have a clear legal obligation under the Nuclear Waste Policy Act to accept spent nuclear fuel absent an operational repository or other facility." This may represent a lawyer's narrow interpretation of statutory language, but it is not what the act's sponsors said in first presenting it to the Congress on this floor in the fall of 1982:

The primary objective of this legislation is development of licensed facilities to be constructed deep underground for the permanent disposal of high level nuclear waste. \* \* \* We have put into place the most thoughtfully planned out roadmap for what will be a 15-year site investigation and construction program that we could devise.

On the strength of such unambiguous public commitments, scores of electric utilities entered into contracts with the Department. As in

all contracts, one party agreed to do certain things if the other party or parties agreed to do certain other things.

In this case, the utilities agreed to collect special fees from electricity consumers and to remit those fees to the Department. The Department's reciprocal responsibility, in the words of the standard contract signed by all, was "To accept title to all spent nuclear fuel and/or high level wastes, of domestic origin, generated by the civilian power reactors. \* \* \*"

The Department's lawyers may quibble, as lawyers do, about the precise nature of DOE's obligations and responsibilities. They are even free to argue that no inescapable legal obligation exists, but they cannot argue that no moral obligation or expectation exists about the Department's responsibilities. The bill I am introducing today makes unambiguously clear what we expect to be done and, most important, when we expect it to be done.

My interest in this stems from our experience in western Michigan. The Palisades nuclear power plant, owned and operated by Consumers Power, ran out of storage space in its pools. Because there is nowhere to send the spent fuel rods, Consumers has had to use so-called dry cask storage in 130-ton concrete and steel containers a stone's throw from Lake Michigan. The four other nuclear powerplants in Michigan and more than 100 in other States will ultimately have to follow suit if the Federal Government doesn't live up to its responsibilities.

Both dry cask and pool storage are safe but there can be no question that centralized storage in one or several remote areas is better than leaving wastes at 70 sites sprinkled across the American continent. I am also concerned that the Federal Government's continued failure to honor this commitment undermines the Government's standing in the eyes of its own citizens.

#### HONORING CHARLES K. DEVAL

#### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 23, 1995*

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a great civic leader and newspaper publisher, Charles K. Devall, of Kilgore, TX, who passed away January 28, at the age of 86. For decades, Charles Devall was a guiding light and driving force in Kilgore. Like other newspaper publishers in small towns across America, Charles Devall was a man of stature in his community, and his influence was felt far beyond his professional position.

Born on July 11, 1908, in Mount Vernon, TX, to Charles Robert and Leila Milam Devall, Charles Devall grew up to work for his father's Mount Vernon newspaper. He received a journalism degree from the University of Texas and assumed responsibility for the newspaper in 1931 following his father's death. Within 4 years he was elected mayor of the city and a member of the State Democratic Executive Committee. During that period he acquired newspapers at Daingerfield and Hughes Springs and established the weekly Kilgore Herald, in competition with the 4-year-old Kilgore Daily News.

In 1939 he married Lyde Williford of Dallas, and in 1940 he and Lyde purchased the Kilgore Daily News, consolidating their two papers as the Kilgore News Herald. He then served for 39 months in the U.S. Navy during World War II and attained the rank of lieutenant commander, while his wife directed operations of their newspapers.

As publisher of the Kilgore News Herald from 1935 to 1979, Devall was committed to making Kilgore "America's No. 1 Small City." He served as president and highway chairman of the Kilgore Chamber of Commerce, president of the Lions Club, organized the Kilgore Improvement and Beautification Association, and originated and secured historical designation as "world's richest acre" in downtown Kilgore. He was instrumental in improving the city's highways, including establishing the 4-lane U.S. 259 through Gregg and Rusk Counties. He was active in efforts to establish the Kilgore Ceramics Corp. and Kilgore Community Hotel-Motel Co., the Industrial Foundation, and East Texas Treatment Center. He and his wife also were credited for helping in locating the prestigious East Texas Oil Museum on the Kilgore College campus.

Devall also was active at the State level. He was the youngest to serve as president of the Texas Press Association and was a director of the Texas Daily Newspaper Association. He served two terms as president of the Texas Good Roads Association and served two terms as a director of the Texas Election Bureau. He also was appointed director of Texas Southern University. His wife, who preceded him in death in 1987, served as a member of the board of regents of the University of Texas system and served on the first Texas Commission on Higher Education.

Devall also was an advocate for independent oil producers in his community. He represented the Independent Petroleum Association of America before a Senate committee in Washington as a witness seeking the reduction of excessive oil imports. He waged a long and successful editorial campaign in the News Herald in support of independent operators and royalty owners who opposed efforts to legalize mandatory unitization of Texas oil and gas fields. The fight in the Texas Legislature continued for 30 years until every major Texas field was unitized—except the east Texas field.

Devall received numerous recognitions during his lifetime. He was named Kilgore's Man of the Year, received the Taggart Award from the Texas Daily Newspaper Association for being "Texas Newspaper Leader of the Year" in 1979, received the Sam C. Holloway Meritorious Service Award from the north and east Texas Press Association, and was named an honor member of Kappa Tau Alpha—honorary Phi Beta Kappa of journalism—by its University of Texas chapter. On nine occasions his Kilgore News Herald won the Texas Press Association sweepstakes for best all-around daily in cities under 15,000 and won the top award seven times from the north and east Texas Press. The Texas Chamber of Commerce awarded the paper its Community Service Award six times, and it received the Texas School Bell Award twice from the Texas State Teachers Association. Upon the sale of the News Herald in 1979, Devall was named publisher emeritus.