

and cosponsored by the majority leader, Senator DOLE. Both bills are pivotal in our goal to reduce Government waste and spending.

First, this legislation directs the Secretary of Health and Human Services to establish a Medicaid spending baseline for each State. Additionally, any State that holds its spending below the baseline would receive a payment equal to 20 percent of the resulting savings to the Federal Government.

This legislation is based on an idea set forth by New York Governor George Pataki, when he testified recently before the House Ways and Means Committee. Many States including my home State of New York, are attempting to reduce the cost of Medicaid programs by greater use of managed care. Through New York's efforts, the Federal Government stands to save nearly \$2 billion. Governor Pataki is right to suggest that if the States can save the Federal Government money through cost-savings initiatives such as Medicaid managed care, then the States should share in the savings as a reward. These efforts have the potential to improve the quality of care for Medicaid beneficiaries as well as dramatically lower the cost to the American taxpayers. Both of these goals have received bipartisan support.

We must provide States with the incentive to make their Medicaid programs more efficient. This is precisely what this bill would do. No State would be penalized for spending above the baseline, but those that spend below the baseline would be rewarded. Rewarding States that save the Federal Government money is not only fair, but makes sense. Comprehensive and systematic reform is required in order to preserve Medicaid for future generations.

This bill is long overdue and necessary to preserve Federal and State programs for the health care of our Nation's low-income families.

**DAVID STEINER: IN RECOGNITION
OF OUTSTANDING PUBLIC SERVICE**

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. LANTOS. Mr. Speaker, it gives me great pleasure to rise today to recognize the extraordinary accomplishments of a distinguished and public spirited American and good friend, David Steiner. Over the years, David has shown leadership and unparalleled intelligence when tackling the immensely difficult endeavors he frequently undertakes, whether it is developing an innovative and functional industrial office park under a tight deadline or developing meaningful answers to our complex foreign policy questions in the Middle East. David deserves the highest possible commendation for his many accomplishments.

David's distinguished career dates back to the Korean war. When called to duty, First Lieutenant Steiner led a military team building bridges and hospitals. When he returned home, David became a partner with the Sudler Cos., and he later became its president and CEO. He has been a driving force at this highly successful company for over four decades.

David's career presented him with many challenges and obstacles that less tenacious

developers would have been overwhelmed by or simply rejected. In one instance, AT&T approached David to choose a site and design and build an 840,000 square foot electronic research lab within 24 months. He met this challenge, including completing a 40,000 square foot computer center in only 60 days.

David has devoted a great deal of his resources, time, and energy to tackling the difficult problems that Israel faces in the Middle East and he has not been hesitant to fight for what is right. As president emeritus of the American-Israel Political Affairs Committee, David has been an effective and influential friend of Israel. As vice president of the Washington Institute for Near East Policy, David has worked with leaders like Alexander Haig, Jeane Kirkpatrick, and George Shultz. David is also an area chairman for the Anti-Defamation League and vice chairman of the National Jewish Democratic Council. In these diverse and demanding capacities, David has distinguished himself as an enlightened leader with a wealth of ideas.

On April 3, David will receive the National Award of the Orthodox Union Institute for Public Affairs in recognition of his outstanding contributions to the American Jewish community. Surely there is no individual more deserving of this high honor. Mr. Speaker, I urge my colleagues to join me in extending our most heartfelt gratitude and admiration to this extraordinary American.

**TRIBUTE TO REV. DR. ALLEN
EUGENE ORR, SR.**

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mr. HASTINGS of Florida. Mr. Speaker, the State of Florida has suffered a tremendous loss with the passing of Reverend Doctor Allen Eugene Orr, Sr.

Allen Eugene Orr was born on September 16, 1931 in Fern Park, FL, to the Late Reverend E.J. and Sarah Orr. He attended elementary school in Altamonte Springs and was an honor graduate of Hungerford High School in Eatonville, FL. Allen won the Lewis State Scholarship, a 4-year scholarship which was awarded by the State of Florida. He attended Florida A&M College where he received a bachelor of science degree. He attended the University of Vermont on a National Science Foundation grant and also attended Florida State University. He earned a master's degree and subsequently a doctor of education degree from the University of Miami (Florida).

As a commissioned officer in the U.S. Armed Forces, Lieutenant Orr served his country at home and in Germany. As an educator, he devoted over 30 years of his life in Broward County as a teacher of science in the middle and high schools, as an assistant principal and the director of human relations at the county level. He was a member of the Alpha Phi Alpha Fraternity, Phi Delta Kappa, and the Masons.

He was ordained as an A.M.E. Minister of the Gospel. He was an astute scholar of the Bible, and he radiated an unceasing love for the ministry. He served as pastor of Allen Chapel A.M.E. Church in Miami, FL; St. Paul A.M.E. Church in Delray Beach, FL; and Mt. Zion A.M.E. Church in West Hollywood, FL.

Reverend Doctor Orr was united in holy matrimony to Dorothy Jackson in Ft. Lauderdale, FL. To this union, three sons and a daughter were born.

Allen was a personal friend since childhood. He will be sorely missed by all.

**THE NATIONAL REVIEW—HOME OF
THE BIG WHOPPER**

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 28, 1995

Mrs. SCHROEDER. Mr. Speaker, one of our colleagues sent around a Dear Colleague today enclosing "Mud Path," an article by Washington attorney George Tobin, published in the April 3, 1995, National Review. This article purports to critique the ethics charges lodged against Speaker of the House NEWT GINGRICH.

Steve Jost, who has assisted former Representative Ben Jones in filing some of the ethics charges, spoke with Mr. Tobin after his article appeared. Mr. Tobin admitted he had not read the complaints filed against Mr. GINGRICH, but instead had relied on "summaries of the articles provided to me" from people "I'm not at liberty to disclose."

This will give you some idea of the level of scholarship involved in preparing Mr. Tobin's article. He hadn't even bothered to read the complaints he was allegedly critiquing.

Mr. Jost subsequently submitted to the National Review a letter critiquing Mr. Tobin's critique. In short, Mr. Jost found that Mr. Tobin had told enough whoppers to open a Burger King.

Mr. Jost's letter follows:

FRAILOLI/JOST, INC.,
Washington, DC, March 22, 1996.

Editor, NATIONAL REVIEW,
Attn: Karina Rollins,
New York, NY.

DEAR EDITOR: In what might earn the championship trophy for political hypocrisy, George Tobin attacks what he labels "false ethics charges" against Newt Gingrich with a diatribe of patently false assertions. His article "Mud Path" contains no less than fourteen whoppers so grand in scale we're lucky Mr. Tobin hacks away at legal briefs and not cherry trees, or Washington, D.C. would be without it's annual spring festival.

I called Mr. Tobin and asked him if he had read the complaints against Gingrich. He told me to read "summaries of the complaints provided to me" from people "I'm not at liberty to disclose."

Maybe Gingrich's staff wrote "Mud Path" and asked Mr. Tobin to put his name to the article. If so, it makes one wonder why they feel compelled to prevaricate so much. If not, and this is an example of Mr. Tobin's attention to detail, it is clear why he supports tort reform. It's probably tough winning a contingency case when you get so many facts wrong. With contingency law, unless you win you don't get paid.

We're not nit-picking here. In a complex, fact intensive case like the one against Gingrich, dates and evidence matter. Consider these fourteen instances where Tobin's article twists the facts, and anyone will understand why the case against Gingrich has been under review by the Ethics Committee for more than six months.

Whopper #1.—Tobin writes that Dean Timothy Mescon of Kennesaw State College heard Gingrich speak in March 1993 and approached the Congressman afterwards with the suggestion he teach the "Renewing American Civilization" course at the Dean's campus.

This is pure baloney. In fact, Gingrich and Mescon had known each other since November, 1991, according to documents from the College. On October 14, 1992, Gingrich handwrote a note to Mescon suggesting a meeting. It was one of many letters he and Mescon exchanged regarding Gingrich's efforts to help Mescon's consulting business get government contracts for work in Africa. By March 1, 1993, Gingrich and Mescon had already met in Washington, D.C. to discuss the course and Gingrich wrote a lengthy memo assigning congressional staff and consultants at GOPAC to work with Mescon.

Whopper #2.—Tobin says Gingrich first asked Jeffrey Eisenach, executive director of GOPAC, to work on the course in May of 1993.

Check the documents. Eisenach was directing the course from GOPAC's offices since February. Gingrich's March 1 memo instructs Eisenach to work up a budget for the course and identifies him as one of four co-authors of the course textbook, along with Gingrich, Mescon and GOPAC consultant Steve Hanser.

Whopper #3.—Gingrich wrote to the Ethics committee on July 21, 1993 and informed the Committee that his staff members "would be asked to comment on the course content, but would not be asked to perform any specific tasks."

Kennesaw documents demonstrate that three Gingrich staffers, Linda Nave, Alan Lipsett, and Tony Blankley, were "tasked" by Gingrich to work on legal matters, press relations, and to lobby Kennesaw officials against an impending decision to cancel the class. Just this week, the Los Angeles Times reported that Lipsett and an unnamed Gingrich associate admitted congressional staff "participated in everything from strategy meetings to clerical errands." Lipsett told the Times: "Looking back, perhaps we should have created a few more fire walls."

Whopper #4.—In an exclusive, Tobin reports that on August 3, 1993, Congressman Fred Grandy wrote to Gingrich and gave him permission to teach the course.

Tobin has us at a disadvantage here. Apparently, he is the first person outside of the Ethics Committee that has been able to get a copy of this letter. Despite repeated requests from the press and Ben Jones himself, Gingrich has steadfastly refused to make this letter available for the public.

If we take Tobin's word for it, Grandy granted Gingrich permission on behalf of the Ethics Committee to raise tax-exempt funds for the course so long as "no congressional funds were used." In point of fact, page 107 of the "House Ethics Manual" discusses the relevant teaching restrictions which apply to the Gingrich case. Members may teach, so long as "no official resources, including staff time, are used in connection with the teaching."

Thanks to Gingrich's own staff, we now know that they were quite extensively involved, in violation of the Ethics Manual. Grandy's letter, quoted at length by Tobin, was equally precise in the prohibition against staff time. Gingrich just ignored it and the Ethics Manual.

Whopper #5.—Tobin alleges that "the facts don't confirm" the charge that Gingrich cited corporations in his course as a form of advertising for his sponsors.

Kennesaw accounting records show the total cost of the course was \$390,676, not \$660,000 as Tobin reported without substan-

tiation. This would mean that the percentage of contributions which fall in the "infomercial" category rises from the 7% Tobin calculates to 11.8% of the actual total. In either case, Tobin is citing "facts" which confirm the allegation.

When officials at Reinhardt College leaned of these facts from Roll Call, they conducted their own review of the course and instructed Gingrich to remove the offending commercials. Professor Kathleen Minnix, who co-teaches the course at Reinhardt with Gingrich, told Roll Call, "What I found is essentially what you found." Minnix also told the Atlanta Constitution that Reinhardt officials were asking for the commercials to be removed because of the "appearance of impropriety." Read the Ethics Manual. It specifically instructs Members of Congress to "at all times avoid" situations which create the "appearance of impropriety".

Whopper #6.—Tobin reports that the Georgia Board of Regents met in "October 1993, without prior notice," to close a loophole Gingrich exploited to teach at Kennesaw.

The Board unanimously approved the change after discussing it a month earlier during a prior meeting. The Atlanta Constitution reported the next day that "Gingrich, who last month (emphasis added) said he would abide by any change the regents made and would seek out a private school as the future of his home course, took the news personally."

The irony of this Tobin falsehood is that Gingrich disputes it. He has admitted he reimbursed the U.S. Treasury for improperly using an official fax machine on September 7th to send a lengthy defense of his course to the Regents, written on official stationery, lobbying against their impending decision. The whole campus knew about the Regents meeting, especially Professor Gingrich.

Whopper #7.—Tobin states that GOPAC "treasurer" Pamela Prochnow "had limited contact with the project in its first few weeks."

Again, look at the documents. Prochnow was the Finance Director for GOPAC, not treasurer, and appears on dozens of memos and faxes regarding her efforts to raise funds for the course during March, April, May and June of 1993.

Whopper #8.—Tobin makes reference to an analysis of the course written by "tax analyst Lee Shepard, appear[ing] in the September 20, 1993 issue of the authoritative Tax Notes Today." He goes on to complain "this refutation of the charge of favoritism and influence peddling has not been cited" in the pieces attacking Mr. Gingrich's course.

Well, it has been cited, in Roll Call and the Los Angeles Times, accurately reporting that Ms. Shepard found many problems in the tax code with the Gingrich course. In a more recent article, Mrs. Shepard goes beyond even the ethics complaints to suggest that Gingrich might have violated the IRS prohibition against "personal inurement" by private individuals from the benefits of tax-exempt activities.

Whopper #9.—It is clear Mr. Tobin has not read the Ben Jones complaint. Not only does he get the date it was filed wrong, (September 7, 1994, not October 31, 1994) but he has turned the central argument of the complaint inside-out. Jones did not allege that GOPAC funded the Gingrich course, although 80 percent of the money came from prior donors to GOPAC or Gingrich's campaign committee. The Jones complaint centered on the fact Gingrich used tax-exempt, tax-deductible funds to finance the partisan political activities of GOPAC through the college course. Five members of GOPAC's staff were paid or reimbursed from tax-exempt funds to work on the course. One even left GOPAC's employ for six months and relocated to Geor-

gia on the foundation payroll to work on the course, only to return to Washington and GOPAC.

Whopper #10.—Mr. Tobin alleges, without support, that the activities of the Kennesaw State College Foundation and the Progress and Freedom Foundation "are unquestionably lawful" in relation to their support for the college course.

As reported in the Washington Post, Roll Call, and the Atlanta Constitution, the Gingrich case has many parallels with an earlier case brought before the IRS. GOPAC consultant Joe Gaylord was a board member of the "American Campaign Academy" a tax exempt entity shut down by the U.S. Tax Court because it improperly engaged in partisan political activity, violating its tax-exempt status. Gingrich has been asked by Mr. Grandy and his colleague Mr. McDermott, then the chair of the Ethics Committee, to respond on this issue and about Mr. Gaylord's role in the college course. The partisan marketing of the course, and GOPAC's extensive role, raise serious questions about whether the tax-exempt foundations behind the course acted lawfully.

Whopper #11.—Without citing any reference to ethics rules or codes of conduct, Tobin alleges that Minority Whip David Bonior's prediction that the Committee "will deadlock" is in itself an ethical violation if based upon conversations with committee members.

If that were true, Gingrich himself should be in jail for his regular consultations with Republican members of the Ethics Committee considering the complaint against then-Speaker Jim Wright. What Gingrich understood then, and Tobin forgets now, is that Member to Member communications are protected speech under the Constitution. The reason he cited no ethical violation is because there is none, just Tobin's assertion.

Whopper #12.—With respect to the sweetheart deal Gingrich received from Jones InterCable, Tobin makes the allegation that the Gingrich course "got the same deal that every other course on ME/U gets."

Even the Jones folks can't side with Tobin on this one. Their own press spokesman Jim Carlson states the Gingrich course is being broadcast without the standard agreement ME/U negotiated with 35 other universities for tuition payments. It's a one-of-a-kind deal.

Whopper #13.—Tobin invents a characterization of the Schroeder complaint as arguing that "any appearance of an elected figure on television in a context other than a paid campaign spot constitutes a donation of air time * * *"

He's simply got it wrong. Schroeder makes no such assertion. In a silly extension of his own illogic, Tobin suggests Schroeder's appearance on CNN's Capital Gang is a gift of free air time from Ted Turner. The difference between a news show, controlled by the network, and directed by the reporters asking questions, and Mr. Gingrich directing producing and controlling 20 hours of free cable time, unedited, is the difference between day and night. It is a gift to Gingrich because he alone controls the content.

Whopper #14.—Tobin attacks a March 8, 1995 story in the Washington Post as a "distortion" and "the exact reverse of the truth" on the critical issue of whether the Grandy letter authorized Gingrich to use the House floor to solicit for the course.

Tobin points out that Grandy's letter restated House Rules which authorize Members to assist tax-exempt organizations with fundraising so long as "no official resources are used, no official endorsement is implied, and no direct personal benefit results." His tortured logic is that by granting Gingrich permission in the same letter to place his

lectures in the Congressional Record, Grandy gave Gingrich a blanket exemption from complying with the House Rules cited in his letter. It is completely lost on Tobin that Grandy's letter, like all advisory opinions from the Ethics Committee, granted only conditional approval for Gingrich's conduct, so long as Gingrich complied with all House Rules.

By highlighting the Grandy letter, Mr. Tobin has undermined Mr. Gingrich's case. We now have learned from Gingrich's staff that he used official resources on the course. Documents before the Ethics Committee show that GOPAC staff reprinted Gingrich's Congressional Record remarks and enclosed them with their Requests For Funding, violating the prohibition on "official endorsement." And of course, we know that Gingrich personally profits from the course with his \$4.5 million book deal that agent Lynn Chu and Jeffrey Eisenach both say is based on the course.

Is there any doubt now why an independent counsel is needed in this case? If the Gingrich organization will go to these lengths to distort the facts, change dates, and misrepresent what actually happened, what more are they hiding?

Sincerely,

STEVEN J. JOST.

(Mr. Jost is a Democratic political consultant who worked on the Ben Jones race against Newt Gingrich in 1994 and assisted with the ethics complaint filed by Jones.)

TERM LIMITS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. PACKARD. Mr. Speaker, this week the House will hold the first ever vote on term limits. The American people will witness a historic vote on an issue that previous Democrat-controlled Congresses prevented from ever being voted on in committee or on the House floor. Last September, House Republicans pledged to bring this historic legislation to the floor. We kept our promise.

The new Republican controlled House has already shown its commitment to internal term limits. The Speaker is limited to four terms in that office, and committee and subcommittee chairmen are limited to three terms. Now we must take the next step and vote on term limits for every elected Member of the House.

I applaud the Republican leadership for devising a strategy that provides the best opportunity to secure the votes necessary for passage. The winner takes all procedure allows for Members to support the term-limit package they feel most comfortable with regardless of outside groups and member sponsors.

Forty years of Democrat rule in the House has created an institution less accountable to the people. Republicans are working to change this. The American people want to know that their representatives will serve their needs, not the Government's needs. Passage of term-limit legislation this week will bring Washington closer to the people it serves back home.

LINDA KAREN FRIEDMAN-LEVIN
BECOMES A CITIZEN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. ENGEL. Mr. Speaker, every year thousands of men and women from all over the world become citizens of the United States of America. As they take the oath of citizenship, they acquire the rights of a citizen of the United States, as well as the responsibilities those rights carry.

Mr. Speaker, on April 7, 1995, Mrs. Linda Karen Friedman-Levin will accept those rights and responsibilities of a citizen when she takes her oath of citizenship. I am confident that Mrs. Friedman-Levin will be as committed to fulfilling her duties as a citizen of our country as she has been in her perseverance in becoming a citizen.

Mrs. Friedman-Levin, the mother of Emma Jess and Dana Franci Levin, and wife of Alan Levin, was born in Montreal, PQ, Canada. I would like to extend congratulations to Mrs. Friedman-Levin and her family and welcome her as one of the newest citizens of the United States.

MS. ARCADIA XOCHIHUA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Ms. LOFGREN. Mr. Speaker, I rise today to pay tribute to Ms. Arcadia Xochihua, a resident of my district. Ms. Xochihua will become a U.S. citizen on Friday, March 31, 1995, at the age of 96. She will be the first person in San Jose and perhaps in the Nation to be naturalized under the new Immigration and Naturalization Service [INS] regulations easing the process for the elderly.

Mr. Speaker, let me tell you about Ms. Xochihua. She was born on January 12, 1899, and immigrated from Mexico to the United States in 1923 at the age of 24. She has worked her entire life from processing fruit and vegetables in a cannery to owning and operating several restaurants in the area.

Ms. Xochihua has always been a vital part of the community. During the Depression and World War II, she helped people who were less fortunate than herself. During the Depression, she operated a small soup kitchen out of her house for those who needed a hot meal. She also provided clothes for women and children. Until about 3 years ago, she continued to provide room and board for destitute migrant farmworkers.

Though Ms. Xochihua never married and does not have children of her own, she is surrounded by her sisters and brothers who have provided her with many nieces and nephews.

Ms. Xochihua decided this year, on her 96th birthday, that it was important to her to become an American citizen. She has always been patriotic and loyal to her adopted country and wants to be called an American.

Mr. Speaker, the month of March has been dedicated to the late labor and human rights leader, Mr. Cesar Chavez and March 31 is Mr. Chavez's birthday. It would be a fitting tribute

to his dedication to social justice for all that Ms. Xochihua becomes a citizen of the United States of America on his birthday. I commend and applaud Ms. Xochihua for her loyalty and her commitment to our country and congratulate her on new citizenship.

REPUBLICAN TAX BILL WOULD PROVIDE HUGE BENEFITS TO A PRIVILEGED FEW!

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. GIBBONS. Mr. Speaker, these Republican tax proposals are not equitable. They would disproportionately favor a privileged few upper-income taxpayers. Is that how the Republicans intend to waste hundreds of billions of dollars—helping those who have and ignoring those who have not?

The Republicans strenuously protest the claim that they are helping wealthy Americans with these tax cuts. But the facts shed doubt on their objections.

One-half of the total benefit of this bill and three quarters of the capital gains tax cut will go to those with incomes of \$100,000 or more.

The broken promise of partial refundability of the family credit means that families with incomes of \$20,000 or less will get only 2 percent of the benefit of that provision, and that is about all they will get from the total bill.

On average, those with incomes of \$200,000 or more would enjoy tax cuts of \$11,270, while those with incomes between \$30,000 and \$75,000 would receive \$760, a mere one-fourteenth of what the wealthy will get.

The Republicans have chosen to focus their largess on the very small number of Americans in the upper strata of the income range. Although they will receive one-half of the total benefits of this bill, the 13 million households with incomes of \$100,000 or more represent only 6 percent of our total population.

The Republican elitism will see to it that the privileged few will get huge tax cuts. This is the purpose for which they are willing to increase the Federal deficit.

Middle-income families will get small tax cuts, a bigger deficit, and a bleaker future for their children. The Republicans know this. They put forth this bill knowingly and without the interest or the commitment to help those who are shortchanged by it.

MY ONE WISH FOUNDATION, 10TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to recognize the tenth anniversary of the My One Wish Foundation, an organization based in Milford, MA.

My One Wish, founded in 1984 by Anthony and Virginia Brenna, is a nonprofit group which grants wishes to terminally and chronically ill children. Over the past 10 years, this charitable organization has granted 42 wishes