

today they are. One kind of discrimination is just as onerous as another, and neither should be tolerated. For the Republican majority of this Congress to be taking up this bill, which attempts to usurp States' rights, makes a farce of their frequent rallying cry to limit Federal intrusion into the personal lives of America's citizens. However, when it concerns a woman's right to choose, or in this case the rights of adults to choose their life partners, the Republicans abandon their mantra of preserving States' rights.

This bill should be defeated and I urge my colleagues to use their common sense and leave this issue up to the States. It is homophobic and discriminatory, and it attempts to address a situation that should be left up to the States. It is not the proper jurisdiction of the Congress or the Constitution.

As I walk past the Republican side of the aisle, I expect to hear something similar to an old joke from the civil rights era: "Some of my good friends are gay, I just wouldn't want my son or daughter to marry one."

My response is that: that's their own personal, private business.

THE CONTINUING STRIKE IN CYPRUS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to recall the unprovoked Turkish invasion of Cyprus on July 20, 1974, and the strife that still exists on the island as a result of Turkish aggression.

After Cyprus gained independence from Great Britain in 1960, the island, whose population remains nearly 80 percent Greek, experienced clashes between the Greek and Turkish communities. Despite the overwhelmingly Greek population and culture dating back to ancient times, the Turkish government invaded Cyprus during a transition in political rule. Turkish forces invaded the northern coast of the island and soon amassed 30,000 troops that quickly overwhelmed the unexpected Greek Cypriot population. Although the U.N. Security Council negotiated peace talks, the Turkish forces controlled 37 percent of Cyprus by August, leaving one-third of the Cypriot population homeless and more than 1,600 persons still unaccounted for to this day—including 5 Americans.

Now, 22 years later, Cyprus remains divided despite repeated attempts at peace talks. Greek Cypriots who lived in towns for generations now stare across a barbed-wire fence that divides them from the Turkish controlled section of their homeland where their homes, property, and churches have been destroyed. This 112-mile border that divides the Greek south from the Turkish-controlled north, is as tense as the old Berlin Wall. U.N. troops still patrol this partition that has existed since the Turkish invasion.

Mr. Speaker, after 22 years of cold war, sharp division, unanswered questions, and tension created by Turkish actions since 1974, there must be a resolution and settlement since this situation is tragic for Greek Cypriots and a real danger to greater European peace and security.

Cyprus should be a free and open state and those responsible for the tragedies and crimes

of the past and present should be held accountable and brought to justice.

ALASKANS ARE THE BEST STEWARDS OF ALASKA LANDS AND RESOURCES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I want to bring the attention of my colleagues to a guest opinion that appeared in the June issue of *Resource Review*. It is by Jake Adams, an Inupiat Eskimo who is both a whaling captain and president of the Arctic Slope Regional Corp. He makes the important point that Alaskans are the best stewards of Alaska lands and resources, not the political leaders and activists who live here in Washington, DC. The text of his opinion follows my remarks.

Just as Eskimo self-regulation under the Alaska Eskimo Whaling Commission has succeeded in protecting both the Bowhead Whale and the communities that depend on the whale for subsistence, I believe that the resources of the Tongass National Forest will be best managed by the State of Alaska, as I propose in H.R. 2413. Time and time again Alaskans have proven their ability to manage their resources responsibly, an accomplishment, as Mr. Adams points out, that Washington, DC, cannot claim.

I hope that my colleagues will read the wise words of Mr. Adams.

[From the *Resource Review*, June 1996]

ALASKA—A PLACE THAT WORKS

(By Jacob Adams)

Compared to the rest of the nation, Alaskans enjoy a relatively untouched, pristine environment. This fact has led some people who have mismanaged their own environment and communities to view Alaska as a public museum; a place they want to control and preserve, untouched and suspended in time.

This, of course, does not work well for those of us who live in Alaska, have families to support, communities to nurture and shareholders' economic interests to protect and advance. Yet, many Alaskans often find that they are forced to be major actors in contentious national debates over the use of public lands and resources and, in some cases, even their own private lands and resources.

It is a shame that many political leaders and activists who live and work in the middle of the poverty, crime and hopelessness of Washington, D.C.—a city that does not work—are determined to second-guess so much of what we Alaskans do and aspire for.

Alaska, after all, is a place that works. We educate our children. We meet our people's needs. We protect our fish and wildlife. We believe in the work ethic. And we take care of our poor and disadvantaged.

Profit is not a dirty word in Alaska. Free enterprise works here. It is part of a proud American tradition that produces income, jobs and tax revenue. It improves the quality of people's lives. But, it can also be a hard task master.

Those of us who live on the North Slope have seen some successes and a fair share of failures. One success story that continues today is the Alaska Eskimo Whaling Commission (AEWC). In the late 1970s, the International Whaling Commission, elements of

the federal government and animal rights activists pushed hard to terminate my people's traditional subsistence hunts for the Bowhead Whale. We fought those efforts. We proposed a system of Eskimo "self-regulation" through AEWC. Who better to protect the species and regulate the hunt than the people whose subsistence and culture is at stake?

We were successful. Today, the whales, our people and our culture are thriving. And we did it by ourselves. Self-regulation by the parties who stand to lose or gain is a concept which should be used more by the state and federal governments.

But, we have also seen some failures. ASRC and its shareholders—working with the State, RDC, Arctic Power and our Congressional Delegation, have tried very hard since 1987 to open the small, oil rich Coastal Plain area of ANWR to oil and gas leasing. We own 92,160 acres of Coastal Plain land in the huge 19 million acre Arctic National Wildlife Refuge. But we are denied the benefits of our resources. We are prohibited by federal law from producing and using oil or natural gas on our privately-owned lands in ANWR at the village of Kaktovik. Instead, the federal government's action means that we must import fuel oil to heat village homes and generate electricity. Yet, Kaktovik sits on the nation's best prospect for major new oil and gas reserves.

We have been fighting this issue for nine years. We may have to fight for nine or ten more. Lifting the Alaska oil export ban took 22 years.

We will continue to push to open the Coastal Plain because it is the right thing to do. Alaskans are the best stewards of our land, our environment and our fish and wildlife resources. We should be major participants in discussions about our future. We do not need the failed landlords of Washington to dictate their policies of failure to us and our children.

My people have seen ups and we have seen downs. But we do not dwell on short-term reverses or disappointments. In the long run, rational thought and the laws of economics will prevail. The fundamental changes taking place in Russia, our neighbors to the west, were not conceivable ten years ago.

Alaskans need to have staying power. We are in this for the long run. Jacob Adams is the President of the Arctic Slope Regional Corporation, a member of the North Slope Borough Assembly and a whaling captain in Barrow. Jake also serves on the Board of Directors for RDC.

NEW PAYMENT SYSTEM FOR PPS EXEMPT REHABILITATION HOSPITALS AND UNITS

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1996

Mr. LOBIONDO. Mr. Speaker, I introduce legislation to provide for a Medicare prospective payment system [PPS] for inpatient rehabilitation hospital and rehabilitation unit services.

Prior to 1983, the Medicare Act paid hospitals the reasonable cost of treating Medicare patients. Generally, this meant that the more a hospital spent, the more it was paid from the Medicare Trust Fund. The result was a rapid rate of increase in Medicare spending for hospitalization. In 1983, this system was replaced with a Prospective Payment System under which hospitals were paid fixed rates for various types of diagnostic groups, commonly

known as DRG's. Certain providers of care were exempted from this system because a way to appropriately group their patients did not exist. Among these were rehabilitation hospitals and rehabilitation units in general hospitals. These continued to be reimbursed based on costs incurred, but subject to limits on payment per discharge. These limits are imposed under the Tax Equity and Fiscal Responsibility Act of 1982, and commonly known as TEFRA limits.

TEFRA limits were to be a short-term expedient to reduce the rate of increase in hospital payments. TEFRA limits are based on Medicare operating cost of a hospital or unit in an assigned base year divided by the number of Medicare discharges in that year. This value is updated annually by an update factor, which is intended to reflect inflation. A hospital's or unit's ceiling on Medicare reimbursement is the TEFRA limit for a given year times the number of its Medicare discharges in that period, the TEFRA ceiling.

For cost reporting periods beginning on and after October 11, 1991 the Medicare Program reimburses a portion of a provider's cost over its TEFRA ceiling in an amount which is the lower of 50 percent of cost over the ceiling or 10 percent of the ceiling. Provision for such payment was made by the Omnibus Budget Reconciliation Act of 1990 [OBRA 90]. If a provider's costs are less than its TEFRA ceiling, the provider is paid an incentive payment equal to the lower of 50 percent of the difference between its Medicare operating costs and its TEFRA ceiling or 5 percent of that ceiling.

When this system was adopted, it was assumed that it would be in place only a short time and then be replaced with a PPS for excluded hospitals and units. New hospitals and units coming on line after the TEFRA system was in place were in a much better position than older facilities, simply because their more current base years included more contemporary wage rates and other operating costs.

This now very old temporary system is flawed for the following reasons:

Medicare pays widely varying amounts for similar services, producing serious inequities among competing institutions.

New hospitals and units can establish limits based on contemporary wage levels and otherwise achieve much higher limits than older hospitals, putting them at a great advantage.

By treating all rehabilitation discharges as having the same financial value, the TEFRA system provides a strong incentive to admit and treat short-stay, less complex cases and to avoid long-stay, more disabled beneficiaries. This is not a good policy for Medicare to continue to support.

Because any change in services that will increase average length of stay or intensity of services will likely result in cost over a TEFRA limit, the system inhibits the development of new programs. This is also not a good direction and does not encourage implementation of current practices.

The process for administrative adjustment of limits does not provide a remedy because it is not timely. HCFA does not decide cases within the 180-day period required by law and does not recognize many legitimate costs.

The very strong incentive to develop new rehabilitation hospitals and units has resulted in an increase in the number of rehabilitation hospitals and units. PROPAC reports that in

1985 there were 545 such hospitals and units. In 1995 there were 1,019. Between 1990 and 1994 Medicare payments to such facilities increased from \$1.9 to \$3.7 billion. Some of this increase reflects the lack of needed service capacity in 1983. At the same time, many older facilities had and have to live with very low limits of Medicare reimbursement and were paid less than the cost of operation, while new facilities were being paid much higher cost reimbursement and bonuses as well. It is hard to imagine a worse system.

The clear solution to this situation is to introduce a prospective payment system for rehabilitation facilities under which providers are paid similar amounts for similar services and payments are scaled to the duration and intensity of services required by patients. Such a system has been devised by a research team at the University of Pennsylvania. It is based on the functional abilities of patients receiving rehabilitation services.

It is now being used by the RAND Corp., under contract with the Health Care Financing Administration, to design a payment system. This work is to be completed before the end of 1996.

My bill would require that a PPS for rehabilitation be implemented by the Secretary of HHS for Medicare cost reporting years beginning on and after October 1, 1997. This date would allow adequate time to adopt regulations and administrative procedures. And my bill requires that this payment system is budget neutral.

Enactment of this bill would have multiple benefits. It would benefit patients by removing the implied financial penalty for treating severely disabled patients; it would benefit providers of services by putting all rehabilitation facilities on a level playing field; and it would benefit the Medicare trust fund by eliminating the enormous incentive in present law to duplicate service capacity.

I look forward to support from my colleagues in passing this important legislation.

20TH ANNIVERSARY OF CHERRY VERSUS MATHEWS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1996

Mr. BISHOP. Mr. Speaker, July 19 is the 20th anniversary of the U.S. District Court decision known as *Cherry versus Mathews*, the historic ruling that opened the door to full and equal citizenship for disabled citizens.

The plaintiff, Dr. James L. Cherry, is a Georgian. His landmark suit led to the Department of Health, Education, and Welfare's regulation under section 504 of the 1973 Rehabilitation Act assuring disabled citizens reasonable access to public programs and facilities. This regulation became the model for the Americans with Disability Act, which expanded protection from discrimination to all persons with disabilities. It was also Dr. Cherry who first proposed Georgia's voting accessibility law, on which a similar Federal statute is patterned.

Twenty years ago, many disabled citizens could not use public transportation; or go to most schools and colleges; or have access to many Government parks and buildings and

other services; or even have access to voting booths.

This changed following the decision by Judge John Lewis Smith. It changed almost overnight. Suddenly, the country's promise of equal opportunity became a reality for millions of disabled Americans. It was one of the great moments in America's march toward justice and opportunity for all.

As we observe the 20th anniversary of *Cherry versus Mathews*, I urge all Americans to rededicate themselves to the principle of equality of opportunity which is one of the cornerstones of the country's greatness.

CYPRUS DISPUTE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1996

Mr. HAMILTON. Mr. Speaker, I rise today to join my colleagues in recognizing and marking the 22d anniversary of the Turkish invasion of northern Cyprus.

Since 1974 when one-third of the island of Cyprus was invaded by Turkish troops, the United States and other interested parties around the world have worked tirelessly to try to bring a just and lasting solution to a problem that has threatened the peace and stability of that country and that region. Unfortunately, little progress has occurred.

Mr. Speaker, substantial progress toward a settlement of Cyprus dispute is long overdue. Progress on Cyprus should be a high priority at all levels of our government. Many in the Congress have been committed to reaching a solution over the years, and I commend the efforts on the part of my colleagues.

My colleagues and I have urged the administration to launch a full-scale initiative to move the Cyprus negotiations forward. It is only through high-level and sustained United States attention that the parties on the island will take the steps necessary to resolve this issue.

Mr. Speaker, Turkey remains the key to a solution of the Cyprus problem. While many of us have been frustrated by the lack of progress on the issue, we have reasons today to be hopeful and to encourage all parties to maintain their commitment. The United States, as well as the United Nations, and members of the European Union, all have stepped up efforts to bring the parties together.

I am encouraged by this activity, as well as by the bipartisan support of this Congress for an intensified American effort. It is in the United States national interest as well as that of all parties in the region that we find a just and viable solution for Cyprus.

We should dedicate ourselves to that goal and seek to make 1996 the year we achieved substantial progress toward a settlement of the Cyprus dispute.

EUROPEAN UNION SANCTIONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 18, 1996

Mr. SOLOMON. Mr. Speaker, the European Union is considering imposing visa requirements for American travelers and even freezing some United States assets in retaliation for