of children with disabilities to a population-based formula with a factor for poverty. The new formula is based 85 percent on the number of children in the State and 15 percent on State poverty statistics. This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers.

In addition no State should ever receive less than it received in fiscal year 1996. Because of the substantial increase in IDEA Part B funding appropriated by the Congress for fiscal year 1997, 49 States will never receive less than they received last year. And that final State will never be affected if there are modest increases in IDEA funding between now and fiscal year 2007, and if not, only then in 2007.

The Clinton administration recognized the problem with the current system when it presented its proposal to the 104th Congress, suggesting a population-based formula with future funding. Many of my Democratic colleagues also recognized the importance of this change when they introduced that bill last year as H.R. 1986. In 1994, the Department of Education's Inspector General recommended changing the formula exactly as we have changed it in this bill. They called the current formula a ''bounty system'' that encourages putting children in special education when they should not be.

The IDEA Improvement Act of 1997 reflects an 18 month process of bipartisan efforts to improve upon IDEA. Because of the bipartisan passage of last year's bill, the bill we introduce today contains only a few technical changes from last year's bill. These changes include moving forward by 1 year various implementation dates within the bill and the inclusion of private school and charter school representatives on State advisory boards. The latter change was inadvertently left out of the bill as it passed the House in June 1996. In all other ways, the IDEA Improvement Act of 1997 is identical to last year's bill.

Ensuring a quality education for students with disabilities through the IDEA Improvement Act of 1997 is my committee's No. 1 educational legislative priority. As such, Subcommittee Chairman FRANK RIGGS will hold a pair of hearings in February with full committee consideration coming soon thereafter. It is our intention to have the IDEA Improvement Act of 1997 passed by the House prior to the end of this spring.

Before closing, I would also like to comment on the developments of the last 8 weeks that led to this bill's introduction. In November, Subcommittee Chairman FRANK RIGGS had a number of conversations with interested individuals and groups about IDEA and our committee's plans for introducing a new IDEA Improvement Act. At that time, Representative RIGGS stated our committee's intention to leave certain provisions out of the 1997 bill that were included in the 1996 bill. These provisions related to the ability of States and localities to discipline all students, including students with disabilities whose actions are unrelated to their disability, in accordance with local policy. This would include expulsion without educational services where that practice is permitted by local law for students with weapons or illegal drugs.

At that time, we had decided to leave those 1996 bill provisions out of the 1997 bill, essentially making the bill silent on the issue of ceasing education services to children with disabilities who have been expelled because of their conduct. We intended to do so as a sign of good faith to the disability community, who had indicated their discomfort with those provisions—a sign that we intended to have a full public debate on this issue. I expected that this gesture would be taken as a welcome sign by these groups. My expectation was that they would respond by indicating their willingness to participate in a vigorous public debate about this and other important issues surrounding the education of children with disabilities. I was greatly disappointed to learn that this was not the reaction of the disability community.

On December 20, 1996, the cochairs of the Consortium for Citizens with Disabilities sent a letter to me and Representative RIGGS asking that we postpone introduction of IDEA reform legislation. They said that while they applauded our earlier decision to introduce legislation that was silent on the issue of cessation, they had other concerns about other issues addressed in the 1996 bill. More pointedly, the letter remarked that ''no disability organization supported [the 1996] legislation.''

The cochairs wrote briefly about the consensus process that led to the final form of the 1996 bill, and thus, the IDEA Improvement Act of 1997. The consensus process occurred last year when disability and education groups asked me if the bill's markup could be postponed so that these groups could make consensus recommendations. About 85 percent of the ''consensus group'' recommendations were incorporated into the 1996 legislation. The cochairs' letter said that the disability community's purposes in supporting the consensus document was ''to keep the legislative process moving'' and that they ''have never supported, and will never support, the consensus document as an acceptable final set of recommendations that should be enacted into law without further revision.''

I was saddened to receive this letter. I simply find it hard to believe that it would be inappropriate to introduce legislation to reform a law when very similar legislation has been actively debated during the previous 18 months; has seen six distinct incarnations circulated or introduced; has seen four hearings held during the 104th Congress; and has seen passage of that legislation by the House of Representatives without a single dissenting vote less than 7 months before.

I was troubled as well by the group's position on the consensus recommendations and their incorporation into our 1996 bill. Neither I, nor any of our committee's members, believed that the consensus recommendations would be enacted into law without change. We understood that further debate and a conference with the Senate would be necessary before the law would be enacted.

Given this letter, I must believe that certain segments of the disability community are not interested in debating these important issues. They are not interested in releasing a working legislative document to the public at large for the consideration of all interested parties. That position is absolutely contrary to mine. As chairman, I am interested in an open discussion of reform options in a public hearing where everyone can comment on a range of proposals. The IDEA Improvement Act serves that purpose well, and I am proud to be its sponsor.

While I had previously stated that I intended to introduce a bill that included a sign of good faith for the disability community, I must take the cochairs' letter as a rejection of that sign. For that reason, I have chosen not to introduce such a bill. Instead, I have introduced a bill that saw unanimous passage just 7 months ago in the House.

The IDEA Improvement Act is the most important change to America's special education system since the passage of Public Law 94–142 in 1975. Overall, America's special education system as currently structured has not accomplished what is necessary to educate all children with disabilities. There is broad agreement on the need to change. Results are important. Accountability is important. I believe this bill will help give America's children with disabilities what they were promised 21 years ago: the real opportunity to receive a high quality education. I urge my colleagues to join us in this effort.

IN SUPPORT OF REP. BOB DORNAN'S REQUEST FOR A FORMAL INVESTIGATION BY THE HOUSE OVERSIGHT COMMITTEE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. STEARNS. Mr. Speaker, today I was officially sworn in as a member of the 105th Congress as were my 434 colleagues.

I was heartened to learn that although Ms. LORETTA SANCHEZ was sworn in to represent the 46th district of California, this would in no way prejudice Congress' consideration of the request made by former Representative Bob Dornan that Congress initiate a formal investigation into certain voter irregularities, which have occurred in the election in District 46, California on November 5, 1996.

I would caution my colleagues that this is not some bogus demand being made as a vendetta, nor is it groundless and without merit. There are proven cases of voter fraud in this election, which have already been acknowledged and verified. My major concern is that we must not allow our election process to become a sham merely because it is perceived to be politically correct. As a result of an initial investigation into this matter, an arm of the office of the Immigration and Naturalization Service [INS] has already been ordered by INS to shut down its citizenship testing program as of January 6, 1997.

Have we forgotten the struggles of minority citizens and women and their efforts to attain the right to vote?

Mr. Speaker, this request is not without precedent, I call to your attention McCloskey and MCINTYRE in the 99th Congress, 1st session or Roush versus Chambers 87th Congress, 1st session. These two cases involved dispositions to the House concerning Federal elections.

This country prides itself the fact that we are a democracy and abide by the axiom of ''One man; one vote.'' However, I would like to quote a well known playwright who wrote: ''It's not the voting that's democracy; it's the counting.''

[From the Washington Post, January 4, 1997]

INS HALTS INTERVIEWS AT CALIFORNIA ORGANIZATION

(By William Branigin)

With allegations of vote fraud continuing in one of the most hotly contested congressional elections, the Immigration and Naturalization Service is distancing itself from an organization that reportedly registered immigrants to vote before they became citizens.

The INS this week suspended citizenship interviews at three Los Angeles area offices of Hermandad Mexicana Nacional, a Hispanic and immigrant rights group, pending the outcome of voting probe. To streamline the naturalization process, the INS had been conducting final citizenship interviews at the group's offices with applicants who had passed English and civics tests administered by Hermandad.

According to published reports, dozens of Hermandad clients illegally registered to vote after passing the tests and the INS interviews, but before they being sworn in as citizens. Some said they had registered to vote at Hermandad offices while INS officers were present.

Of more than 1,300 people registered by Hermandad last year, nearly 800 reportedly cast ballots Nov. 5. At least some of them voted in the California district in which Rep. Robert K. Dornan, 63, a Republican, lost by 979 votes to Democrat Loretta Sanchez, 36.

Dornan blamed his defeat on alleged irregularities, including voting by noncitizens and felons. He filed a complaint with the House seeking to overturn the election result. Sanchez, a member of the district's growing Hispanic population, said a recount had confirmed her victory. She is scheduled to be sworn in when Congress convenes Tuesday.

''I don't want to be the first person in history, man or woman, House or Senate, to be voted out of office by felons, by people voting who are not U.S. citizens, who are felons or children or people not allowed to vote,'' Dornan said in a television interview last month. He charged that up to 1,000 noncitizens and felons had cast ballots.

Republican members of a House subcommittee have accused the INS of improperly naturalizing criminals in a rush to produce new pro-Democratic voters in time for the Nov. 5 elections.

The Los Angeles Times reported last week that 19 noncitizens acknowledged voting in the Dornan-Sanchez race before completing the naturalization process. All said they had registered to vote at Hermandad, 18 of them after taking citizenship classes there and passing a test and INS interview, the paper reported. They did not say whom they voted for.

The Orange County Register reported that 30 Hermandad clients had registered to vote weeks before they were sworn in, although all but four became citizens before the election. It is nevertheless a felony under state law to register to vote before becoming a citizen. Under a new federal immigration law, noncitizens who vote are ineligible for naturalization and can be deported.

The Orange County District Attorney's Office began investigating ''possible registration and voting'' by ineligible persons, but has not collected enough evidence to prosecute anyone, Assistant District Attorney Wallace Wade said.

Richard Rogers, INS district director in Los Angeles, said that pending the investigation, the INS would no longer interview citizenship applicants at three Hermandad testing sites, requiring applicants to come to an INS office. He said INS officers would routinely ask applicants if they had voted.

A spokesman for Hermandad, Jay Lindsey, said the group takes the allegations ''very seriously'' and is conducting a review to determine if any regulations were violated. He denied that the group knowingly committed voter fraud and said ''we do not engage in politics.''

Some Hermandad sites are affiliates of Naturalization Assistance Services, Inc., one of five companies designated by INS to conduct citizenship classes and testing. The firm ran into trouble last year after evidence of fraud was found at some of its sites. Last week, the INS ordered it to shut down its citizenship testing program on Jan. 6.

Hermandad also has sites affiliated with another company, which will continue to administer citizenship tests and prepare applicants for INS interviews.

IN SUPPORT OF THE MEDICARE DIABETES, EDUCATION AND SUPPLIES ADMENDMENTS

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. NETHERCUTT. Mr. Speaker, as Co-Chair of the Congressional Diabetes Caucus, it is with pleasure that I support the Medicare Diabetes Education and Supplies Amendments of 1997, introduced today by Representative ELIZABETH FURSE. Representative FURSE and I formed the Congressional Diabetes Caucus to promote awareness of diabetes and its consequences within Congress. This bill is an important step toward providing diabetics with the tools they need to control the negative repercussions and cost of diabetes.

When my daughter, Meredith, was diagnosed with the disease in 1987, I became actively involved with learning more about the disease, its causes, complications and the cost to American society. Before entering Congress, I also served as president of the Spokane chapter of the Juvenile Diabetes Foundation.

Over 16 million Americans suffer from diabetes. The resulting financial cost to society is staggering. An estimated $138 billion or 14 percent of U.S. health care dollars, is spent on diabetes. The last several years have been encouraging for those working to find better treatments and a cure. Last year, doctors successfully transplanted insulin-producing cells into patients with type I diabetes. Researchers have also located genetic markers for diabetes, which should make it possible to identify patients at high risk. Additionally, the vaccine BCG has induced long-term remission of diabetes if given during the earliest stage of the disease.

I am confident that a cure for diabetes is within our reach. In the meantime, however, the Federal government must avail itself of advances in treatment knowledge. In the private sector, we have seen that comprehensive diabetes education reduces both diabetes specific complications and overall health care costs. For example, Merck-Medco Managed Care, Inc. has realized a total per diabetic patient health care cost reduction of $441 since beginning an innovative diabetes education program.

The Medicare Diabetes Education and Supplies Amendments of 1997 will employ some of the knowledge learned in the private sector by providing diabetes self-management training under Medicare. The bill will also expand coverage of blood testing strips to include all people with type II diabetes. Self-management training and access to blood testing strips are crucial to controlling the high health care costs associated with this disease. It is known that when diabetics keep their blood glucose level as close to normal as possible, the risk of complications can be reduced by as much as 65 percent.

I encourage my colleagues to support this legislation.

I am including for the RECORD the following statements from organizations in support of this legislation: The American Diabetes Association, the Juvenile Diabetes Foundation, the American Association of Diabetes Educators, the American Dietetic Association, the Endocrine Society, Eli Lilly and Co., and the Community Retail Pharmacy Coalition.

STATEMENT BY THE AMERICAN DIABETES ASSOCIATION IN SUPPORT OF LEGISLATION TO IMPROVE MEDICARE COVERAGE FOR PEOPLE WITH DIABETES

There are few, if any, issues facing the nation that have stronger bipartisan support than the diabetes Medicare reform legislation being introduced today by Representatives Elizabeth Furse and George Nethercutt. There are none, in our opinion, for which there is a greater need.

Diabetes is a prevalent, serious and costly disease and is increasing at a shocking rate. Since the '60s the number of cases has tripled to 16 million. Since 1992, the direct costs of caring for people with diabetes have doubled to its current sum of $91.1 billion a year. This figure does not begin to account for the staggering losses in productivity for our economy and well-being to Americans. When indirect costs are included, diabetes costs our economy nearly $138 billion a year, more than any other single disease.

Medicare alone spends one-quarter of its budget, nearly $27 billion a year, treating people with diabetes. Approximately half of all diabetes cases occur in people older than 55 years of age. However, the complications and hospitalizations associated with the disease (blindness, amputation, kidney failure, heart disease and stroke) can be delayed or avoided altogether with proper care. Our nation is only now coming to this realization.

The improvement in diabetes care embodied in this legislation represents the only preventive care measure ever scored (analyzed for its economic implications) by the Congressional Budget Office (CBO) to save money. According to the CBO analysis, each day Congress waits to enact these Medicare reforms costs taxpayers an additional $500,000.

This legislation, which incorporates two bills introduced in the 104th Congress, H.R. 1073 and H.R. 1074, has widespread support on both sides of the aisle. H.R. 1073 had 250 cosponsors in the last Congress. Of the more than 4,000 bills introduced in the 104th Congress, only 12 had more cosponsors.

During the fall election campaign, 180 members of the incoming 105th Congress demonstrated support for improving diabetes coverage by completing the American Diabetes Association's Diabetes '96 Candidate Survey. Two hundred and eighty-nine (289) Members of the 105th Congress either cosponsored legislation or signed the Candidate survey. Of the 289 supporters, 116 (40.1%) are Republicans and 173 (59.9%) are Democrats.

Leaders of both political parties have stated their strong support for this legislation. This legislation was included in President Clinton's FY '97 budget proposal and according to the White House, will be included in