

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the two bills just passed, H.R. 3069 and H.R. 3796.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

#### NATIONAL DROUGHT POLICY ACT OF 1998

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3035) to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies, as amended.

The Clerk read as follows:

H.R. 3035

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Drought Policy Act of 1998".

##### SEC. 2. FINDINGS.

Congress finds that—

(1) the United States often suffers serious economic and environmental losses from severe regional droughts and there is no coordinated Federal strategy to respond to such emergencies;

(2) at the Federal level, even though historically there have been frequent, significant droughts of national consequences, drought is addressed mainly through special legislation and ad hoc action rather than through a systematic and permanent process as occurs with other natural disasters;

(3) there is an increasing need, particularly at the Federal level, to emphasize preparedness, mitigation, and risk management (rather than simply crisis management) when addressing drought and other natural disasters or emergencies;

(4) several Federal agencies have a role in drought from predicting, forecasting, and monitoring of drought conditions to the provision of planning, technical, and financial assistance;

(5) there is no single Federal agency in a lead or coordinating role with regard to drought;

(6) State, local, and tribal governments have had to deal individually and separately with each Federal agency involved in drought assistance; and

(7) the President should appoint an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for, mitigate the impacts of, respond to, and recover from serious drought emergencies.

##### SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Drought Policy Commission (hereinafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 16 members. The members of the Commission shall include—

(A) the Secretary of Agriculture, or the designee of the Secretary, who shall chair the Commission;

(B) the Secretary of the Interior, or the designee of the Secretary;

(C) the Secretary of the Army, or the designee of the Secretary;

(D) the Secretary of Commerce, or the designee of the Secretary;

(E) the Director of the Federal Emergency Management Agency, or the designee of the Director;

(F) the Administrator of the Small Business Administration, or the designee of the Administrator;

(G) two persons nominated by the National Governors' Association and appointed by the President, of whom—

(i) one shall be the governor of a State east of the Mississippi River; and

(ii) one shall be a governor of a State west of the Mississippi River;

(H) a person nominated by the National Association of Counties and appointed by the President;

(I) a person nominated by the United States Conference of Mayors and appointed by the President; and

(J) six persons, appointed by the Secretary of Agriculture in coordination with the Secretary of the Interior and the Secretary of the Army, who shall be representative of groups acutely affected by drought emergencies, such as the agricultural production community, the credit community, rural and urban water associations, Native Americans, and fishing and environmental interests.

(2) DATE.—The appointments of the members of the Commission shall be made no later than 60 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VICE CHAIR.—The Commission shall select a vice chair from among the members who are not Federal officers or employees.

##### SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY AND REPORT.—The Commission shall conduct a thorough study and submit a report on national drought policy in accordance with this section.

(b) CONTENT OF STUDY AND REPORT.—In conducting the study and report, the Commission shall—

(1) determine, in consultation with the National Drought Mitigation Center in Lincoln, Nebraska, and other appropriate entities, what needs exist on the Federal, State, local, and tribal levels to prepare for and respond to drought emergencies;

(2) review all existing Federal laws and programs relating to drought;

(3) review State, local, and tribal laws and programs relating to drought that the Commission finds pertinent;

(4) determine what differences exist between the needs of those affected by drought and the Federal laws and programs designed to mitigate the impacts of and respond to drought;

(5) collaborate with the Western Drought Coordination Council and other appropriate entities in order to consider regional drought initiatives and the application of such initiatives at the national level;

(6) make recommendations on how Federal drought laws and programs can be better integrated with ongoing State, local, and tribal programs into a comprehensive national policy to

mitigate the impacts of and respond to drought emergencies without diminishing the rights of States to control water through State law and considering the need for protection of the environment;

(7) make recommendations on improving public awareness of the need for drought mitigation, prevention, and response and on developing a coordinated approach to drought mitigation, prevention, and response by governmental and nongovernmental entities, including academic, private, and nonprofit interests; and

(8) include a recommendation on whether all Federal drought preparation and response programs should be consolidated under one existing Federal agency and, if so, identify such agency.

(c) SUBMISSION OF REPORT.—

(1) IN GENERAL.—No later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) APPROVAL OF REPORT.—Before submission of the report, the contents of the report shall be approved by unanimous consent or majority vote. If the report is approved by majority vote, members voting not to approve the contents shall be given the opportunity to submit dissenting views with the report.

##### SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

##### SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated for service on the Commission, except as provided under subsection (b). All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Agriculture shall provide all financial, administrative, and staff support services for the Commission.

##### SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

This important, noncontroversial legislation establishes a 16-member commission to report to Congress and the President on the development of an integrated and coordinated approach to drought. H.R. 3035 is broadly supported by, among others, the National Governors' Association, the Western Governors' Association, and the National Emergency Management Association.

For too long, the Nation has lacked a proactive, coordinated approach to drought, instead relying on crisis management. The result has been enormous damage and suffering equal to or greater than other forms of natural disasters. For example, the total economic losses to agriculture, energy, transportation and recreation tourism associated with the 1988 drought have been estimated at \$40 billion.

In response, the gentleman from New Mexico (Mr. JOSEPH SKEEN) introduced H.R. 3035, which is companion legislation to S. 222, introduced by Senator PETE DOMENICI. The bill before us will help foster an integrated approach emphasizing prevention and mitigation.

Let me thank the gentleman from Pennsylvania (Mr. BUD SHUSTER), the gentleman from Minnesota (Mr. JIM OBERSTAR), and the gentleman from Pennsylvania (Mr. BOB BORSKI) for their efforts in moving H.R. 3035 through the Committee on Transportation and Infrastructure and the Subcommittee on Water Resources and the Environment.

I also appreciate the cooperation of the Committee on Resources and the Committee on Agriculture, particularly their respective chairmen, the gentleman from Alaska (Mr. DON YOUNG) and the gentleman from Oregon (Mr. BOB SMITH). Thanks to their efforts, and the assistance of their staffs, we are able to bring this important legislation to the floor today.

Most importantly, Mr. Speaker, I want to commend the gentleman from New Mexico (Mr. JOSEPH SKEEN) and Senator PETE DOMENICI for championing H.R. 3035 and S. 222 through the Congress. After our hearing, the Subcommittee on Water Resources and the Environment, of the Committee on Transportation and Infrastructure, made very few changes to H.R. 3035. These revisions, now incorporated into the bill, respond to suggestions by the administration, FEMA, the Corps of Engineers, and various Members. Areas of primary emphasis are disaster mitigation, environmental values and national or regional representation.

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A more detailed discussion of the bill is contained in the committee's report, House Report 105-554.

Mr. Speaker, I urge my colleagues to support H.R. 3035. This legislation can

and should be enacted into law in the coming weeks.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, let me join with the gentleman from New York (Mr. GOODLING), my distinguished subcommittee chairman in support of H.R. 3035, the National Drought Policy Act of 1998.

Drought is one of the most subtle natural disasters the Nation faces. When a flood, earthquake, tornado, or hurricane strikes, the timing and magnitude of the event are readily apparent. Yet, when drought strikes, a region may be months or even years into it before it is apparent that the drought conditions exist. By then it may be too late to undertake the kind of careful advance planning and response that are necessary to minimize adverse impacts to communities, business, agriculture, and the environment.

While the origin of this bill is drought issues in the western states, drought is no stranger to any portion of the country. Severe drought can arise in any region, and the harm that results to the citizens and the economy and environment is just as devastating. Therefore, the commission to be established under this bill should have a national focus, recognizing regional variations. There are no one-size-fits-all solutions to drought, but the basic need for preparedness, mitigation and response affects all areas of the country.

Mr. Speaker, I believe that the changes to H.R. 3035 adopted by the Committee improved the bill by emphasizing the natural effects of drought and the need for preparedness, mitigation and risk management relative to drought. I also strongly support that the commission accommodate the interests of urban water users. In times of scarce resources, urban and rural interests must work together for the common good.

I am also pleased that the commission will specifically consider the need for protection of the environment. Too often, the last area afforded protection in times of drought is the aquatic ecosystem, and too often the interests least well represent or capable of protecting their interest at time of drought are aquatic species.

By placing representatives of fishing and environmental interests on the commission, instream interests will be represented in the deliberations and afforded an opportunity to shape the recommendations.

Mr. Speaker, some have suggested and recommended adding the Environmental Protection Agency to the commission, and this bill does not do that. However, I hope that the commission remains open to input from EPA, the Fish and Wildlife Service, and other in-

terests which seek to protect the environment. For the commission's recommendations to be effective in shaping Federal drought policy, the recommendations must be balanced with all perspectives adequately considered and reflected.

Again, Mr. Speaker, let me once again voice my support for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 3035, the National Drought Policy Act. I thank the gentleman from New York for yielding me the time. I thank the bill's managers on the other side of the aisle and the gentleman from New Mexico (Mr. SKEEN) and others who brought us this legislation.

This important legislation, as mentioned, establishes an advisory commission to provide advice and recommendations on the creation of integrated and coordinated Federal policy designed to prepare for and respond to serious drought emergencies. Drought is one of the most complex and devastating natural disasters. Yet, it is also one of the least understood.

Droughts cost the United States an average of \$6 to \$8 billion per year and cause serious environmental and social problems. Too often, the response to droughts is fragmented and it often comes too late. Once a drought hits, the options become much more limited. There is a clear need to plan ahead.

The National Drought Policy Act seeks to address the current shortcomings by encouraging a proactive rather than a reactive approach to drought. The commission created by the bill would work to develop a comprehensive and coordinated Federal policy so that the Nation is prepared for upcoming droughts. The commission would also make recommendations on the best way to integrate Federal drought laws and programs with those of the state, local, and tribal level; and I think that is probably the most important responsibility.

I would like to take this opportunity to acknowledge the outstanding work by the National Drought Mitigation Center at the University of Nebraska Lincoln. The Center, founded in 1995, stresses drought prevention and risk management. The National Drought Policy Act would greatly assist the Center in its efforts to develop a comprehensive program designed to reduce vulnerability to drought by promoting the development and implementation of appropriate mitigation policies. The Center is focused on the Great Plains, but its work has advantages for many parts of the country.

As I looked at some of the things the university is doing, I realize they have gone a long way now to help develop plants that are drought resistant or at least that do not suffer so greatly from the stress of drought.

Mr. Speaker, development of a National Drought Policy Act is long overdue. I am pleased that H.R. 3035 addresses this problem and urge my colleagues to support the legislation.

Mr. BOEHLERT. Mr. Speaker, let the RECORD note that the author of the bill the gentleman from New Mexico (Mr. SKEEN) is chairing a subcommittee meeting with the Committee on Appropriations and is not able to be here with us today.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 3035 which would establish an advisory commission to provide advice and recommendations to help create a coordinated federal drought mitigation and response policy. Currently, droughts tend to receive minimal advance attention and are primarily addressed ad hoc in a crisis management mode.

The commission established by the bill would recommend ways to coordinate the numerous federal agencies that have a role in droughts. It would also help ensure that federal efforts would compliment state and local programs without diminishing state water rights or environmental protection.

H.R. 3035 builds upon the recent work of the Western Water Policy Review Advisory Commission and the Western Governors' Association. Both organizations have recommended the creation of an interagency task force to develop an integrated national drought policy plan that emphasizes risk management.

I appreciate the efforts of my colleagues on the Transportation and Infrastructure Committee, and I urge my colleagues to support this legislation.

Mr. BOEHLERT. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 3035, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to provide extraneous material on H.R. 3035.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### URGING CONGRESS AND PRESIDENT TO FULLY FUND GOVERNMENT'S OBLIGATION UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the

resolution ( H. Res. 399) urging the Congress and the President to work to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act, as amended.

The Clerk read as follows:

H. RES. 399

Whereas Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1247 (E. Dist. Pa. 1971), and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (Dist. D. C. 1972), found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment to the Constitution;

Whereas the Congress responded to these court decisions by passing the Education for All Handicapped Children Act of 1975 (enacted as Public Law 94-142), now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), to ensure a free, appropriate public education for children with disabilities;

Whereas the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and authorizes the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

Whereas the Federal Government has provided only 7, 9, and 11 percent of the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act in the last 3 years, respectively;

Whereas the national average cost of educating a special education student (\$12,002) is more than twice the national average per pupil cost (\$5,955);

Whereas research indicates that children who are effectively taught, including effective instruction aimed at acquiring literacy skills, and who receive positive early interventions demonstrate academic progress, and are significantly less likely to be referred to special education;

Whereas, if the appropriation for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) exceeds \$4,100,000,000 for a fiscal year, a local educational agency may reduce its local spending on special education for such fiscal year by an amount equal to 20 percent of the amount that exceeds the prior year's appropriation so long as the local educational agency is not failing to comply with the requirements of part B of such Act, as determined by the State educational agency;

Whereas the Individuals with Disabilities Education Act has been successful in achieving significant increases in the number of children with disabilities who receive a free, appropriate public education; and

Whereas the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education: Now, therefore, be it

*Resolved*, That the House of Representatives urges the Congress and the President, working within the constraints of the balanced budget agreement, to give programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) higher priority among Federal education programs by working to fund the maximum State grant allocation for educating children with disabilities under such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the

gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

The Committee will now consider H. Res. 399, a resolution urging the Congress and the President to fully fund the Federal Government's responsibility under the Individuals with Disabilities Education Act. This resolution was introduced by the gentleman from New Hampshire (Mr. BASS) and I am pleased to be an original cosponsor.

I would like to start out by recognizing the efforts of my friend and colleague the gentleman from Pennsylvania (Mr. GREENWOOD). He has been a leader in helping move this resolution through our committee in a bipartisan manner. He has been a strong voice for providing fiscal relief to local communities, which not only pay their share of special education costs but most of the Federal share as well.

For those who may not be aware, in 1975, when the original legislation was passed, the Congress of the United States indicated that over several years they would fund 40 percent of the excess costs for special education. Up until 3 years ago, they were funding about 6 percent. I am happy to say that we got about a 77-percent increase in the last 3 years. But it is still a long, long way from the 40 percent that was promised for the excess costs of educating a special education child.

This unpaid Federal share means that the local school district has to do the funding. It also then means that the local school district has to take that money from all other programs in order to fund our share of special education. In many districts that is 55 percent of their entire budget. And so, I am hoping that we will continue the trend that we have had in the last 3 years.

Unfortunately, when the President sent up his budget, he level funded special education. But what level-funding really means is a dramatic cut. Because if you consider inflation and then, above all, consider the new children who will be coming into special education through increased enrollment, it means that we are going to fall way short if we would follow his budget.

I am hoping that with the program that came from my committee, dealing with literacy, with family literacy particularly, that in the long run we can find a way to eliminate an awful lot of people from ever getting into special education. Because, unfortunately, many of our special education students today are there simply because they have a reading difficulty. There is no reason for that to happen.

We know now that most youngsters can learn to read. With the family literacy program that we are including in our legislative initiative from our committee, hopefully we can eliminate an awful lot who would normally fall into special education.