



Legislative Bulletin.....September 4, 2002

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H.Con.Res.183— Expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance (Davis, Tom)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 4, 2002, under a motion to suspend the rules and pass the bill.

Summary: The resolution has 10 findings regarding the establishment and assorted accomplishments of the United States Congressional Philharmonic Society, and resolves that it is a sense of Congress that the society should be applauded—

- “for organizing two musical groups, the United States Congressional Choral Society and the United States Congressional Philharmonic Orchestra;
- “for having as its mission the promotion of patriotism, freedom, democracy, and understanding of American culture through sponsorship, management, and support of these groups and their derivative ensembles as they communicate through the international language of music in concerts and other multimedia performances in the District of Columbia and throughout the United States and the world; and
- “for promoting musical excellence throughout the educational system, from pre-school through post-graduate, and encouraging people of all ages to commit to the love and expression of musical performance.”

Cost to Taxpayers: There is no cost to the resolution.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 5012—John F. Kennedy Center Plaza Authorization Act (Young (AK))

Order of Business: The bill is scheduled to be considered on Wednesday, September 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5012 would authorize the construction of a plaza on the east side of the John F. Kennedy Center for the Performing Arts in Washington, DC (and related transportation ventures on all sides of the Center). The bill would establish the responsibilities of all parties involved in the plaza project, clarify issues of ownership and control, grant the necessary authorities for various aspects of the project, and authorize total appropriations of \$400 million for FY2003-FY2010. The appropriations could be used for all aspects of the project, except for the construction of any buildings on the east plaza.

The Transportation Equity Act for the 21st Century (20 U.S.C. 76) authorized \$500,000 and directed the Secretary of Transportation to undertake a comprehensive study of ways to improve access to the Kennedy Center. The TEA-21 Report, as it has come to be known, called for a project providing for construction of a plaza on the east side of the Kennedy Center and for improved bicycle, pedestrian, and vehicular access to and around the Center. *[For the specific improvements contained in the TEA-21 Report, please see House Report 107-622, prepared by the Transportation and Infrastructure Committee.]*

H.R. 5012 would designate the responsibilities of the involved parties as follows:

- The Secretary of Transportation would be responsible for overseeing the project in general; planning, designing, engineering, and constructing the project (other than any new buildings to be constructed on the east plaza); entering into appropriate agreements with the Kennedy Center Board of Trustees and relevant federal agencies; and entering into contracts regarding the project, subject to approval from the Board.
- The Kennedy Center Board of Trustees would be responsible for constructing any buildings on the east plaza (using non-appropriated funds), acknowledging private contributions on the interiors of buildings built on the east plaza with such funds, and receiving “air rights” (construction rights for the use of space above any type of land) from the District of Columbia as necessary.
- The District of Columbia would be responsible for modifying the D.C. highway system as may be necessary, conveying or disposing to the Board of any interests in

real estate (including air rights) owned or controlled by the District as may be necessary, and entering into agreements with the Board and relevant federal agencies.

Upon completion of the project, the Board would own, operate, and maintain the buildings and green spaces established on the east plaza. The Secretary of Transportation could realign the boundaries of national highways, as needed, and could improve the access of Interstate 66 to the Center.

Additional Background: The Kennedy Center is a national cultural center, first chartered by Congress in 1958 and designated to honor the late President John F. Kennedy in 1964. The current building was constructed in the late 1960's and was officially opened in September 1971.

Administration Position: On June 13, 2002, Mary Peters, Administrator of the Federal Highway Administration, testified in support of the plaza project before the House Subcommittee on Economic Development, Public Buildings, and Emergency Management. The President of the Kennedy Center, Michael Kaiser, and the Director of the D.C. Department of Transportation, Dan Tangherlini, also testified in support of this legislation.

Cost to Taxpayers: Though the bill would authorize \$400 million over the FY2003-FY2010 period, CBO estimates that the annual authorizations over the next five years would be as follows:

- FY2003: \$10 million
- FY2004: \$10 million
- FY2005: \$20 million
- FY2006: \$50 million
- FY2007: \$100 million

That is, CBO expects H.R. 5012 to authorize \$190 million over the FY2003-FY2007 period and the remaining \$210 million during the FY2008-FY2010 period. CBO does not expect more than \$135 million in actual outlays during the FY2003-FY2007 period.

Does the Bill Create New Federal Programs or Rules?: The bill would authorize the creation of a new plaza on the east side of the Kennedy Center and the related transportation projects to improve access to, from, and around the Center.

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 107-622, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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H.R. 1070 — Great Lakes Legacy Act of 2002 (Ehlers)

Order of Business: The bill is scheduled for consideration on Wednesday, September 4, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1070 authorizes \$50 million a year over five years for the Great Lakes National Program Office at the Environmental Protection Agency to carry out projects related to contaminated sediment in the Great Lakes. Such projects shall:

- Monitor or evaluate contaminated sediment;
- Implement a plan to remediate contaminated sediment;
- Prevent further contamination of sediment;
- Have completed an evaluation of remedial alternatives, including a review of the long and short-term effects the alternatives could have on human health and the environment;
- Not be carried out if the area is likely to be further contaminated after the project is completed;
- Have a cost to the federal government of no more than 65 percent of the total project cost, with operation and maintenance costs paid solely by state/local sources; and
- Be conducted by EPA in cooperation with the Secretary of the Army and the states.

In addition, H.R. 1070 authorizes a research and development program at EPA to examine technologies and approaches for the remediation of contaminated sediment. The program is authorized at \$2 million a year over five years.

Cost to Taxpayers: CBO estimates that H.R. 1070 will cost \$223 million over five years, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: The bill creates two new contaminated sediment programs at the EPA.

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 107-587, cites Article I, Section 8, but fails to cite a specific clause.

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H.Res. 94— Honoring the contributions of Venus and Serena Williams (Millender-McDonald)

Order of Business: The bill is scheduled to be considered on Monday, July 22, 2002, under a motion to suspend the rules and pass the bill.

Summary: The resolution has eight findings regarding the Williams sisters, known for their tennis acumen, and resolves that the House—

- “honors and recognizes the achievements and strides made by Venus and Serena Williams by giving back to their community, promoting excellence, breaking barriers with pride and poise, showing that tennis is a sport for all people; and
- “urges all Americans to recognize the contributions to American society made by Venus and Serena Williams through their achievements and community involvement.”

Cost to Taxpayers: There is no cost to the resolution.

Does the Bill Create New Federal Programs or Rules?: No.

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H.R. 5203 — The Education Affordability Act of 2002 (Hulshof)

Order of Business: The bill is scheduled for consideration on Wednesday, September 4, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5203 makes permanent the education provisions of last year’s tax bill, the Economic Growth and Tax Relief Reconciliation Act of 2001.

The provisions of last year’s tax bill include:

- Temporary above-the-line deduction for qualified higher education expenses (through 2006).
- Allows tax-free distributions from Qualified Tuition (529) Plans and permits private institutions to offer such plans.
- Extends exclusion for employer- provided educational assistance and extends the exclusion to graduate level courses.
- Increases annual contribution limits to education savings accounts from \$500 to \$2,000 and allows tax-free withdrawals for qualified K-12 public and private education expenses.
- Increases the arbitrage rebate exception for governmental bonds used to finance qualified school construction from \$10 million to \$15 million.
- Eliminates the 60-month limitation on the student loan interest deduction and increases income limits from \$40,000-\$55,000 to \$50,000-\$65,000.

Additional provisions of H.R. 5203 are:

- Clarifies that expenditures from education savings accounts may be used for home schooling if the school meets state requirements.

Cost to Taxpayers: The Joint Committee on Taxation estimated that the education provisions of last year's tax bill would save taxpayers \$29.4 billion over the 2001-2011 period.

Does the Bill Create New Federal Programs or Rules?: The bill makes permanent education tax provisions that are set to expire in 2011.

Constitutional Authority: The 16th Amendment to the Constitution grants Congress the power to lay and collect taxes on incomes.

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