

such themes as celebrations of America and salutes to the States, as well as encourage the development of young musical talent by providing educational programs for schools across the Nation.

The Society is a private group, but with our blessing it can raise money to fulfill its mission. As Shakespeare once wrote, if music is the food of love, play on. I give my support to this organization, and look forward to hearing their performances for years to come.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just delighted to be here today to speak on behalf of this sense of Congress, which looks at the United States Philharmonic Society and applauds them, and tells them that we are very proud of the great work that they are doing.

I am delighted to be here to join with my colleagues, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Delaware (Mr. CASTLE), and I want to thank the gentleman from Virginia (Mr. TOM DAVIS) for introducing this resolution.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I would like to echo the words of the gentlewoman from California (Mrs. DAVIS), and thank her for her participation in support of this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 183.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT OF 2002

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5012) to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read as follows:

H.R. 5012

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 "John F. Kennedy Center Plaza Authorization Act of 2002".

SEC. 2. JOHN F. KENNEDY CENTER PLAZA.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended—

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

"SEC. 12. JOHN F. KENNEDY CENTER PLAZA.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIR RIGHTS.—The term 'air rights' means real property interests conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

"(2) CENTER.—The term 'Center' means the John F. Kennedy Center for the Performing Arts.

"(3) GREEN SPACES.—The term 'green spaces' means areas within the boundaries of the Project or affected by the Project that are covered by grass, trees, or other vegetation.

"(4) PLAZA.—The term 'Plaza' means improvements to the area surrounding the John F. Kennedy Center building carried out under the Project and comprised of transportation elements (including roadways, sidewalks, and bicycle lanes) and non-transportation elements (including landscaping, green space, open public space, water, sewer, and utility connections).

"(5) PROJECT.—The term 'Project' means the Plaza project, as described in the TEA-21 report, providing for construction of a Plaza adjacent to the Center and for improved bicycle, pedestrian, and vehicular access to and around the Center. The term includes planning, design, engineering, and construction of the Plaza, buildings to be constructed on the Plaza, and related transportation improvements and may include any other elements of the Project identified in the TEA-21 report.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(7) TEA-21 REPORT.—The term 'TEA-21 report' means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

"(b) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall be responsible for the Project and may undertake such activities as may be necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA-21 report.

"(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

"(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

"(4) CONSULTATION WITH THE BOARD.—The Secretary shall consult with the Board to maximize efficiencies in planning and executing the Project, including the construction of any buildings on the Plaza.

"(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center related to the planning, design, engineering, and construction of the Project.

"(c) RESPONSIBILITIES OF THE BOARD.—

"(1) IN GENERAL.—The Board may undertake such activities as may be necessary to construct buildings on the Plaza for the Project.

"(2) RECEIPT OF TRANSFERS OF AIR RIGHTS.—The Board may receive from the District of Columbia such transfers of air rights as may be necessary for the planning, design, engineering, and construction of the Project.

"(3) CONSTRUCTION OF BUILDINGS.—The Board may construct, with non-appropriated funds, buildings on the Plaza for the Project and shall be responsible for the planning, design, engineering, and construction of the buildings.

"(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

"(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

"(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgment of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

"(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

"(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority to amend or modify the permanent system of highways of the District of Columbia as may be necessary to meet the requirements and needs of the Project.

"(2) CONVEYANCES.—

"(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority to convey or dispose of any interests in real estate (including air rights or air space as that term is defined by District of Columbia law) owned or controlled by the District of Columbia, as may be necessary to meet the requirements and needs of the Project.

"(B) CONVEYANCE TO THE BOARD.—Not later than 90 days following the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board without compensation interests in real estate described in subparagraph (A).

"(3) AGREEMENTS WITH THE BOARD.—The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

"(e) OWNERSHIP.—

"(1) ROADWAYS AND SIDEWALKS.—Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

"(2) MAINTENANCE OF GREEN SPACES.—Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

"(3) BUILDINGS AND GREEN SPACES ON THE PLAZA.—Upon completion of the Project, the Board shall own, operate, and maintain the buildings and green spaces established on the Plaza for the Project.

"(f) NATIONAL HIGHWAY BOUNDARIES.—

"(1) REALIGNMENT OF BOUNDARIES.—The Secretary may realign national highways related to proposed changes to the Northern and Southern Interchanges and the E Street Approach recommended in the TEA-21 report in order to facilitate the flow of traffic in the vicinity of the Center.

"(2) ACCESS TO CENTER FROM I-66.—The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including its garages."

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) JOHN F. KENNEDY CENTER PLAZA.—There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 12 (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) a total of \$400,000,000 for fiscal years 2003 through 2010. Such sums shall remain available until expended.”.

SEC. 4. CONFORMING AMENDMENTS.

(a) SELECTION OF CONTRACTORS.—Section 4(a)(2)(D) of the John F. Kennedy Center Act (20 U.S.C 76j(a)(2)(D)) is amended to read as follows:

“(D) SELECTION OF CONTRACTORS.—In carrying out the duties of the Board under this Act, the Board may negotiate any contract—

“(i) for planning, design, engineering, or construction of buildings to be erected on the John F. Kennedy Center Plaza under section 12 and for landscaping and other improvements to the Plaza; or

“(ii) for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts, with selected contractors and award the contract on the basis of contractor qualifications as well as price.”.

(b) DEFINITIONS.—Section 14 of the John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended by adding at the end the following: “Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 12, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mr. Speaker, the Kennedy Center suffers from being isolated from the rest of Washington, D.C.'s monumental core, and from limited, confusing, and potentially unsafe points of entry. High levels of congestion on the Rock Creek and Potomac Parkway confound vehicular traffic and various bridge ramps near performance times. Nearly 200,000 vehicles a day use the complex of roadways and ramps adjacent to the center each day, and there are high accident rates at the foot of the Roosevelt Bridge and the intersection of Virginia Avenue, 27th Street, and the parkway.

H.R. 5012 authorizes the Secretary of the Department of Transportation, in conjunction with the John F. Kennedy Center for the Performing Arts and the District of Columbia, to make pedestrian and vehicular access improvements around the Kennedy Center.

In 1998, when the Committee on Transportation and Infrastructure passed TEA-21, it authorized the Secretary of Transportation to undertake a comprehensive study of ways to improve the flow of traffic and access to the Kennedy Center. In 2000, the Department of Transportation issued the Kennedy Center access study, which identified five phases to improving access to the Kennedy Center. In that same year, funding was made available for DOT to proceed with preliminary project planning, environmental reviews, and design approvals.

The John F. Kennedy Center Plaza Authorization Act of 2002 builds upon these earlier efforts and authorizes the Secretary of Transportation to enact many of the improvements recommended by the access study, including the outcomes of a pedestrian plaza over the Potomac Freeway and improving access between I-66, the Rock Creek Parkway, E Street Northwest, 25th Street Northwest, and the Kennedy Center.

The new plaza will be connected to the local street grid by E and 25th Streets Northwest, and will create approximately eight acres of new land directly east of the Kennedy Center.

H.R. 5012 authorizes and directs the Mayor of the District of Columbia to transfer the air rights and airspace necessary to complete the project as determined by DOT. This has the support of the Mayor, and the subcommittee received testimony from the District to that effect at a hearing held on June 13, 2002.

Based on DOT testimony, the bill authorizes a total of \$400 million to undertake the recommended improvements. In addition, H.R. 5012 authorizes the Kennedy Center to construct buildings on the newly created plaza with nonappropriated funds. The newly constructed buildings will provide needed space for educational, rehearsal, performance, and administrative functions, and become a part of the living memorial to President Kennedy. Any private donations for the buildings will be acknowledged in a manner consistent with existing law.

The subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on this important project in June, and the project received the enthusiastic support of the Department of Transportation, the government of the District of Columbia, and the Kennedy Center. I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I include for the RECORD the following material regarding the project:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportation, and
Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5012, the John F. Kennedy Center Plaza Authorization Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Milberg (for federal costs), who can be reached at 226-2860, and Greg Waring (for the state and local impact), who can be reached at 225-3220.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE
H.R. 5012—John F. Kennedy Center Plaza Authorization Act of 2002

Summary: H.R. 5012 would authorize the appropriation of \$400 million to the Department of Transportation (DOT) to plan and construct a new plaza in front of the John F. Kennedy Center, and to improve access to the Center for both pedestrians and vehicles.

Assuming appropriation of the authorized amount, CBO estimate that implementing H.R. 5012 would cost about \$135 million over the 2003–2007 period and another \$265 million after 2007. Enacting H.R. 5012 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 5012 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would be significantly below the threshold established in that act (\$58 million in 2002, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimate budgetary impact of H.R. 5012 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level ¹	10	10	20	50	100
Estimated Outlays	3	7	10	40	75

¹H.R. 5012 would authorize the appropriation of \$400 million over the 2003–2010 period. CBO estimates that \$190 million of that amount could be appropriated over the 2003–2007 period, with the remaining \$210 million provided after 2007.

Basis of estimate: For this estimate, CBO assumes that H.R. 5012 will be enacted near the end of fiscal year 2002 and that the amounts necessary to implement the bill will be appropriated for each year. Estimates of outlays are based on information from the Federal Highway Administration, the John F. Kennedy Center, and historical spending patterns of similar projects. Based on information from the agency, CBO estimates that DOT would plan and construct the plaza project over the next 12 years. Current plans for the plaza include space for two small buildings.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 5012 would bypass the D.C. City Council's review and approval of efforts to dispose of D.C. property for the Kennedy Center Plaza project. In preempting the City Council's authority, the bill contains an intergovernmental mandate as defined in UMRA, but CBO estimates that it would impose no duty on the city government that would result in additional spending.

If necessary for the construction of the proposed Kennedy Center Plaza, the District of Columbia would have to reconfigure the city highway system. In addition, the District of Columbia would have to transfer any property or air rights required for the project, without compensation. These potential requirements on the city also would be intergovernmental mandates as defined in UMRA. Based on information from the Federal Highway Administration and the District's Department of Transportation, CBO

estimates that the costs of complying with these mandates would be significantly below the threshold established in that act (\$58 million in 2002, adjusted annually for inflation). Furthermore, the construction-related costs resulting from the mandates would be funded by the federal government.

Estimated impact on the private sector: H.R. 5012 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Greg Waring; and Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

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

Mr. Speaker, the John F. Kennedy Center has long been envisioned and has been created and established as a living memorial to the late President Kennedy. It is also the Nation's premier cultural institution for the performing arts.

The chairman of our Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), is also a member of the Board of Trustees of the Kennedy Center, and we both know from our participation in the deliberations of the board that the center is this vibrant and dynamic institution that it was envisioned to be. Every year over 5 million people visit, attend, enjoy, and are enriched by performances at the Kennedy Center, particularly the Millennium State performances that are free to the public and operate 365 days a year. They are innovative performances that are available to all the people who come to our Nation's capital for whatever purpose, travel or business, leisure, and people come to enjoy those Millennium State performances in ever-increasing numbers.

□ 1430

But, unfortunately, the Kennedy Center is sort of cut off from the rest of Washington, D.C. The original design of the center does not envision the structure situated as it is today. I can remember when I was working teaching language in Haiti in 1959 and 1960 through 1962, reading, admittedly, with three weeks' delay, the news from Washington and reading this grand design plan set forth by then-President Eisenhower or by his administration for a center for the performing arts in Washington, D.C., and this magnificent sweep of the structure out over the Potomac River and looking back towards monumental Washington. And, of course, the part east of the current location of the Kennedy Center was then dilapidated buildings, all envisioned to be torn down, no roadway where we now have one, and it was intended that this would just connect Washington, D.C. and this new center for the performing arts. That is not the way it worked out.

Funding constraints limited the original scope. The connection with

downtown Washington was not realized. The center's problems have multiplied over the years. Attending nighttime performances means that patrons either add to the District of Columbia's notorious rush hour traffic jams or are reduced to a functional but not fully acceptable and adequate shuttle system.

There are over 200,000 vehicles a day that use the complex series of ramps and roadways that are adjacent to the Kennedy Center. There is no pedestrian or bicycle access to the center from the east or from the southeast, from the Washington, D.C. mall.

In many a time I have been driving along that avenue and watched as pedestrians risk their lives running across 4 to 5, 6 lanes of traffic at even heavy traffic times. That is just simply not acceptable. The closest Metro stop to the Kennedy Center is the Foggy Bottom Metro stop a half mile from the center, too far for a good many people to walk comfortably and perhaps not entirely safe either. The center runs a very successful shuttle bus, but there is a lack of frequency, a lack of adequate signage to make it comfortable for walkers to find the center. And, furthermore, this is a very historic neighborhood and people ought to be able to enjoy it in some fashion other than rushing to get from wherever they are parking to the Kennedy Center.

In 1998, the former chairman of our Committee on Transportation and Infrastructure, Congressman Shuster, and I worked together to secure funding in the Transportation Equity Act for the 21st Century, to provide funds for the Department of Transportation to analyze methods to improve access to the Kennedy Center. That study has been completed. It has identified a number of proposed design and access improvements. In particular, the study proposes going back to the original concept of connecting the Kennedy Center with monumental Washington, as I call it, that is the historic sweep of structures and monuments that are testimony to the Nation's history and its evolution with the Kennedy Center. This plan would build a plaza over the spaghetti bowl of freeways, particularly the Potomac freeway, and would create 8 new acres of public space, would connect E Street and 25th Street to the plaza and reestablish the city grid; E Street to be changed at the western terminus to link the center and the core of the city, and there are proposed new connections between Rock Creek Parkway and the Potomac freeway. There would be pedestrian paths, bicycle paths, transit improvements to link the center to the heart of Washington, D.C. That is how it should be. That is how this national cultural center should function.

Based on this study, the bill we bring to the floor today, the Kennedy Center Plaza Authorization Act, authorizes a cooperative venture between the Kennedy Center, the U.S. Department of

Transportation, and the District of Columbia to improve access to and from the Kennedy Center. It authorizes, as the gentlewoman from West Virginia (Mrs. CAPITO) said a moment ago, \$400 million to plan, design and construct the proposed plaza in order to undertake the necessary highway improvements to create this access to the center.

The Kennedy Center itself has offered to undertake the cost of constructing the new buildings to be constructed on the plaza, buildings that will house rehearsal halls, classrooms, and be an open invitation to the public to actually come and see how rehearsals are conducted. It would be a great opportunity for the public who come to enjoy the arts in our Nation's capital. And I invite any of our colleagues to come to the center or ask the Kennedy Center staff to come and give them a presentation, a showing of the artists' rendition of these structural changes because I think once Members see it, they will be enthralled, captivated and excited by it, as I am, as the members of the board of trustees, and as is the gentlewoman from the District of Columbia.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much appreciate the remarks of the ranking member who always brings a background and perspective that makes anyone who has not been fortunate to be in this institution as long as he has understand the continuum of the work we are about and a continuum is what we are about today. I also want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for her hard work in bringing this bill to the floor.

This bill is really part of a larger vision, and one does not have to live here to have that vision. This is a small, compact city. There is not a lot of room left for all of the buildings, not to mention all of the memorials, that people would like to see in Washington. But there is a big, relatively for this city, a big piece of land that could, in fact, house much more to make the Kennedy Center the true national performing arts center it was intended to be. But to even begin to approach this vision, we have a lot of work to do on the basics, and this bill is about the basics. This bill is not about the buildings. I believe they will be constructed all with private funds. I have talked with the dynamic new leader of the Kennedy Center. But there is part of this work that is for government alone.

Its rough name is infrastructure. We have got to lay the groundwork in order for the vision to rise. The mall is a work in progress. The mall is always incomplete. So we should not be surprised that we are always adding to the mall. That is as the Founders wanted it. They have also wanted us to be careful about the mall. They did not want us to put every little thing on the

mall. And one of the things I implore my colleagues to remember is that the mall is perpetual. When generations we cannot even imagine are here, the mall should be here, and one of the things we do not want to do is just crowd the mall with the hubris of our generation, leaving no room for anything else to go up. If we do that, we will have to do what some of the European countries are doing. They are tearing down statues in order to allow more to rise. I think we should just be careful what we do.

I believe future generations will look at what this bill initiates as part of the natural process of filling out the mall. And I very much applaud the continuing attention that the Committee on Transportation and Infrastructure has given to the Kennedy Center and to the completion of the work there, and especially to the fact that one cannot get there from here.

The 25 million tourists who come to the District of Columbia may do as I do as often as I can. I go on a race walk down the mall beginning at 3rd Street. It is a wonderful way to get exercise. When we get to the Lincoln Memorial, that is it, folks. If we want to walk, walk no further, unless we want to take our chances going across highways. That is not exactly what the mall had in mind. Indeed, cars cannot always get there from here. It is as if, as we get to the Kennedy Center, it was made for cars, not people, and not even for the arts.

Remember that the John F. Kennedy Center really reminds us of two great presidents. The notion of a cultural arts center began with President Eisenhower. Ultimately, when it was built, it was named for the martyred President Kennedy, so it bears the imprimatur of two great presidents and it inspires this body in a bipartisan fashion to move forward to try to complete it even as generation after generation moves forward with the mall to complete it or to make sure that it remains a mall and remains in many ways clear.

The Congressional commitment to the plaza and to the center has been clear, as the ranking member indicated, since Chairman Shuster was the chair of the committee. And, therefore, I am sure he would take special pride that we are moving forward with it today.

This is a cultural center with no bus service; cabs have a hard time getting in and stopping; no metro; cut off from its neighborhoods along the riverfront except one cannot get to the riverfront from the center; isolated from everything around it. The very opposite of what a cultural center is supposed to be. We are going to fix that.

I appreciate that the bill incorporates the District of Columbia, which has the air rights, and the mayor and I have spoken about those rights. There will be no problem getting whatever is necessary to make sure that the many air rights are, in fact, dealt with.

The central feature of the mall will be a pedestrian plaza over a deck. It will transform the Kennedy Center itself. It will mean that our constituents who come in very large numbers, and increasingly so now that everyone understands that the capital of the United States is the safest city in the world, better protected than any city in the world, as the visitors come, they will be the first to understand that there has been a transformation in this city, that the city is being completed, that the mall itself is being extended, and that we are opening the cultural life physically and in every other way to the world and especially to our country.

I urge my colleagues to support this bill and to remain with us until we see this plaza rise, and perhaps Members of Congress will be the first to walk down the plaza and invite people from all around the world to come to a cultural arts center made for the world and where the world can now come and walk and see and have the kind of access that was always intended.

Mr. Speaker, I thank the gentleman for yielding me time.

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

Mr. Speaker, I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for her very thoughtful, as always, constructive and scholarly presentation and I am particularly touched by the gentlewoman's reference to the mall as perpetual, yet evolving.

The arts, more than the Kennedy Center, the arts are perpetual. They are what lift a Nation's spirits.

□ 1445

I think history records more what our poets and our composers have to say than what our generals have to do. We, especially in the aftermath of September 11, need the arts to lift our spirits and to design the future and to refocus our aspirations. Kennedy Center is part of that. It was one of the very first cultural institutions in the United States to have a response in art form to the events of September 11, and just as important as it is to make the Kennedy Center accessible as the National Cultural Performing Arts Center to all those 20 million plus visitors who come to this Nation's capital, it also must be accessible to the residents of the District of Columbia themselves, and connecting the Kennedy Center through this plaza to monumental Washington will make it far more attractive and far more available to the residents of the District of Columbia themselves, and that is my fond hope.

Mr. Speaker, I yield back the balance of my time.

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

I would like to thank my colleagues the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Minnesota (Mr. OBERSTAR) for their very moving tributes to the

Kennedy Center and also to the beloved District of Columbia. I appreciate their hard work on this.

I too believe the Kennedy Center is a jewel of our District of Columbia, and to have access to the arts, the very vibrant programs that are brought there daily, not only to the citizens of the District and those of us who are here on a regular basis, but for the many, many visitors I think is a wonderful project that will make generations to come be able to enjoy all the many fine programs that the Kennedy Center has put forth now and in the future.

Mr. COSTELLO. Mr. Speaker, I first with to thank Chairman LATOURETTE for lending his support and providing leadership for this bill. Also Chairman YOUNG and Ranking Member OBERSTAR, trustees of the Kennedy Center, have worked to establish broad bi-partisan support for the bill.

This bill will authorize the Department of Transportation, the Government of the District of Columbia, and the Board of Trustees of the John F. Kennedy Center to enter into agreements to conduct environmental planning, provide designs, and execute plans to improve pedestrian, vehicular, and bicycle access to the John F. Kennedy Center for the Performing Arts.

The Kennedy Center is currently isolated from the surrounding city and its physical setting is inconsistent with its mission. A report authorized by TEA-21 identified a number of conditions that impede access to the Presidential memorial. There is no access from the east for pedestrian, vehicles, or bicycles, the pedestrian link to the Metro is too far away and poorly signed, pedestrian and bicycle traffic from the south must cross hazardous roadways, very poor vehicular connections exist between the freeway and the Rock Creek Parkway, and a complicated series of ramps and exits exist to the south of the Center.

The study recommends a series of improvements to remedy the access problem. The centerpiece of these improvements is a proposed plaza, which will be atop a deck over the Potomac Freeway. This deck would provide a new public space and stately approach to the Center from the east. E St. and 25th St. would connect to the plaza, thus reestablishing the local street grid. To the north of the Center new connections would be built between Rock Creek and the Potomac Freeway in the vicinity of K St. Overall, hazardous and congested traffic conditions would be relieved.

The Board of Trustees of the Center has committed to raising private funds to construct the building to be constructed on the plaza. Currently the plan calls for two buildings for the plaza. One building would be used as rehearsal space, classrooms, and for administrative offices. It is expected the second structure could house and display musical artifacts currently stored at the Library of Congress and the Smithsonian.

I support H.R. 5012 and again extend my thanks to the Committee leadership for their encouragement and support.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5012.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5012, the bill just considered by the House.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

GREAT LAKES LEGACY ACT OF 2002

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1070) to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such purpose, as amended.

The Clerk read as follows:

H.R. 1070

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 "Great Lakes Legacy Act of 2002".

SEC. 2. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN IN THE GREAT LAKES.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by adding at the end the following:

"(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

"(A) IN GENERAL.—In accordance with this paragraph, the Administrator, acting through the Great Lakes National Program Office and in coordination with the Office of Research and Development, may carry out qualified projects.

"(B) QUALIFIED PROJECT.—In this paragraph, a qualified project is a project to be carried out in an area of concern located wholly or in part in the United States that—

"(i) monitors or evaluates contaminated sediment;

"(ii) subject to subparagraph (D), implements a plan to remediate contaminated sediment; or

"(iii) prevents further or renewed contamination of sediment.

"(C) PRIORITY.—In selecting projects to carry out under this paragraph, the Administrator shall give priority to a project that—

"(i) constitutes remedial action for contaminated sediment;

"(ii) has been identified in a Remedial Action Plan submitted pursuant to paragraph (3) and is ready to be implemented; or

"(iii) will use an innovative approach, technology, or technique that may provide greater

environmental benefits or equivalent environmental benefits at a reduced cost.

"(D) LIMITATION.—The Administrator may not carry out a project under this paragraph for remediation of contaminated sediments located in an area of concern—

"(i) if an evaluation of remedial alternatives for the area of concern has not been conducted, including a review of the short-term and long-term effects of the alternatives on human health and the environment; or

"(ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

"(E) NON-FEDERAL MATCHING REQUIREMENT.—

"(i) IN GENERAL.—The non-Federal share of the cost of a project carried out under this paragraph shall be not less than 35 percent.

"(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor, including any in-kind service performed under an administrative order on consent or judicial consent decree, but not including any in-kind services performed under a unilateral administrative order or court order.

"(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of the operation and maintenance of a project carried out under this paragraph shall be 100 percent.

"(F) MAINTENANCE OF EFFORT.—The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the area of concern in which the project is located at or above the average level of such expenditures in its 2 fiscal years preceding the date on which the project is initiated.

"(G) COORDINATION.—In carrying out projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which the projects are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as possible.

"(H) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph \$50,000,000 for each of fiscal years 2003 through 2007.

"(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available until expended."

SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORITIES.

Section 118(g) of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended—

(1) by striking "construed to affect" and inserting the following: "construed—

"(1) to affect";

(2) by striking the period at the end and inserting "; or";

(3) by adding at the end the following:

"(2) to affect any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes."; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this section) with paragraph (2) (as added by paragraph (3) of this section).

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—In coordination with other Federal and local officials, the Administrator of the Environmental Protection Agency is authorized to conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment

contamination in areas of concern in the Great Lakes.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2003 through 2007.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1070, the Great Lakes Legacy Act of 2002. H.R. 1070 reflects a consensus approach to addressing sediment contamination in the Great Lakes.

The Great Lakes are, without question, a vital resource for both the United States and Canada. The Great Lakes system provides a waterway to move goods; water supply for drinking, industrial and agricultural purposes; a source of hydroelectric power; and swimming and many other recreational activities.

The industrialization and development of the Great Lakes Basin over the past 200 years has had an adverse impact on the Great Lakes. As a result, many of the Great Lakes are under fish advisories warning people not to eat fish that may be in the water there.

By treaty, the United States and Canada are developing cleanup plans for the Great Lakes and for specific areas of concern. Unfortunately, only one area of concern, located in Canada, has been cleaned up. Most of the activity at U.S. areas of concern has occurred as a result of Superfund enforcement action or threat of such action.

However, Superfund's suitability for cleaning up the Great Lakes is limited. The Great Lakes sediments became contaminated as a result of pollution from many sources over several generations. Applying Superfund could make virtually every citizen of the Great Lakes Basin a liable party.

There are better ways to address this problem. One solution is to encourage cooperative efforts through public-private partnerships. That is the solution recommended by the bill H.R. 1070, the Great Lakes Legacy Act of 2002.

H.R. 1070 would authorize \$50 million a year for 5 years to clean up contaminated sediment in areas of concern in the Great Lakes. This Federal funding must be matched with at least a 35 percent non-Federal share, encouraging local and private sector investment. This bill also makes sure that these funds are well spent.

At some sites, removing sediments will be the best way to address short- and long-term risks. At other sites, the last thing we want to do is go in and