



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

Washington, DC 20515

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October 29, 2007

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**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Subcommittee on Economic Development, Public Buildings, and Emergency Management

**FROM:** Subcommittee on Economic Development, Public Buildings, and Emergency Management Majority Staff

**SUBJECT:** Subcommittee on Economic Development, Public Buildings, and Emergency Management Markup of: H.R. 3495, the "Kids in Disasters Well-being, Safety, and Health Act of 2007"; H.R. \_\_\_\_\_, the "John F. Kennedy Center Reauthorization Act of 2007"; H.R. 3315, to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall; H.R. 3712, to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. & Thomas W.L. Ashley Customs Building and United States Courthouse"

**PURPOSE OF MARKUP**

On Tuesday, October 30, 2007, at 11:00 a.m., in Room 2167 Rayburn House Office Building, the Subcommittee on Economic Development, Public Buildings, and Emergency Management is scheduled to mark up H.R. 3495, the "Kids in Disasters Well-being, Safety, and Health Act of 2007"; H.R. \_\_\_\_\_, the "John F. Kennedy Center Reauthorization Act of 2007"; H.R. 3315, to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall; H.R. 3712, to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the "James M. & Thomas W.L. Ashley Customs Building and United States Courthouse", and other matters cleared for consideration.

## H.R. 3495, THE "KIDS IN DISASTERS WELL-BEING, SAFETY, AND HEALTH ACT OF 2007"

### Background

Hurricane Katrina exposed many problems with our nation's ability to meet the needs of children during disasters. Approximately, one-fourth of the people who lived in areas damaged or flooded by Hurricane Katrina were under age 18. More than 400,000 children under the age of five lived in or were evacuated from counties and parishes that were declared disaster areas by the Federal Emergency Management Agency ("FEMA") in response to Hurricane Katrina. The vulnerability of this population presented many unique obstacles. For example, 5,192 children were reported missing or displaced to the National Center for Missing and Exploited Children as a result of the hurricanes, and it took 6½ months to reunite the last child separated from her family. In addition, 1,100 schools were closed immediately following Hurricane Katrina. Two years later, only 45 percent of New Orleans schools have reopened. These statistics reveal the importance of examining the special needs of children in preparing for, responding to, and recovering from emergencies and disasters.

### H.R. 3495, the "Kids in Disasters Well-being, Safety, and Health Act of 2007"

H.R. 3495 establishes the National Commission on Children and Disasters ("Commission") to address the needs of children as they relate to preparing for, response to, and recovery from all hazards, including disasters and emergencies.

The purposes of the Commission are to: (1) conduct a comprehensive study to examine and assess the needs of children as they relate to preparing for, response to, and recovery from all hazards, including major disasters and emergencies; (2) build upon and review the recommendations of other government and nongovernmental entities that work on issues relating to the needs of children in disasters; and (3) report to the President and Congress on its specific findings, conclusions, and recommendations to address the needs of children as they relate to preparing for, responding to, and recovering from all hazards, including disasters and emergencies.

More specifically, the Commission is tasked with investigating the needs of children facing disasters in the areas of children's health, child welfare, elementary and secondary education, affordable housing, transportation, and relevant activities in emergency mitigation, preparedness, response, and recovery.

The Commission consists of 10 members: two members appointed by the President, two members appointed by the Speaker of the House, two members appointed by the House Minority Leader, two members appointed by the Senate Majority Leader, and two members appointed by the Senate Minority Leader. The bill provides that a majority of the members must be from private nonprofit entities and that members of the Commission must have a demonstrated expertise in one of eight issue areas relating to the needs of children in preparation for, during, and after disasters.

The Commission is required to submit a final report to the President and Congress on its specific findings, conclusions, and recommendations.

Title II of H.R. 3495 directs the Secretary of Health and Human Services to establish a National Resource Center on Children and Disasters. The Center would serve as an information resource for Federal, State, local and tribal governments, and nongovernmental agencies on issues relating to the needs of children in disaster, including child health, child care, child welfare, elementary and secondary education, and information on emergency preparedness, response and recovery.

H.R. 3495 authorizes appropriations for the National Commission on Children and Disasters and the National Resource Center on Children and Disasters.

### **Prior Legislative and Oversight Activities**

In the 109<sup>th</sup> Congress, Congress enacted the “Post-Katrina Emergency Management Reform Act of 2006” (Title VI of P.L. 109-295). Section 689b of the Post-Katrina Act establishes the National Emergency Child Locator Center within the National Center for Missing and Exploited Children. Section 689c of the Post-Katrina Act establishes a National Emergency Family Registry and Locator System to help reunify families separated after an emergency or major disaster.

In the 110<sup>th</sup> Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management has held several hearings in which witnesses discussed the effects of disasters on children. On March 20, 2007, the Subcommittee held a hearing on “Post-Katrina Temporary Housing: Dilemmas and Solutions”. On April 26, 2007, the Subcommittee held a hearing on “FEMA’s Preparedness and Response to All Hazards”.

On September 7, 2007, Representative Corrine Brown introduced H.R. 3495, the “Kids in Disasters Well-being, Safety, and Health Act of 2007”. This bill has not been introduced in a previous Congress.

### **Amendments**

During Full Committee consideration of the bill, an amendment in the nature of a substitute will be offered. The amendment makes three primary changes to the bill. First, the amendment will provide that the members of the Commission select the chairperson and vice chairperson. Second, the amendment makes other changes to the Commission structure, such as eliminating subpoena authority and pay for members of the Commission. Third, the amendment strikes Title II of the bill, which authorizes the Health and Human Services National Resource Center on Children and Disasters. The amendment provides that the Commission will consider whether a National Resource Center should be established.

Specific information on other amendments is not available at this time.

## H.R. \_\_\_\_\_, THE "JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2007"

### **Background**

In 1958, Congress authorized the construction of a National Cultural Center and provided a 17-acre site for the Center. In January 1964, Congress established the Center as a living memorial to President John F. Kennedy and renamed the Center as the John F. Kennedy Center for the Performing Arts ("Kennedy Center"). The Kennedy Center opened on September 8, 1971.

Located in the District of Columbia, the Kennedy Center is the nation's busiest arts facility, presenting more than 3,000 performances last year and hosting millions of visitors. The Kennedy Center also provides educational programs for teachers and students from pre-Kindergarten through college across the United States. The Kennedy Center, which includes approximately 1.5 million square feet of usable floor space, contains seven theaters, two public restaurants, nine function or special event rooms, five public assembly areas, including galleries, halls, and foyers, and approximately 55,000 square feet of office space. The sub-grade floors of the building include administrative offices, support spaces, and parking for 1,971 cars.

Initial funding for the construction of the building came through gifts, donations, and contributions in the amount of approximately \$34.5 million, and Federal funds were first appropriated in 1971. The upkeep needs of the Kennedy Center have continued to grow, requiring additional appropriations from Congress for costs related to maintenance and repair, as well as capital improvements. The Kennedy Center also receives Federal funding for operations, maintenance, and capital improvements through the Department of the Interior, Environment, and Related Agencies Appropriations Act.

The FY 2007 enacted funding levels for the Kennedy Center were \$17.6 million for operations and maintenance and \$12.8 million for construction, for a total of \$30.4 million. As a result of the FY 2007 Continuing Resolution, the Kennedy Center had to shift several projects within its Comprehensive Building Plan to future years to keep the Eisenhower Theater renovation on schedule. For FY 2008, the Administration's budget requests \$20 million for operations and \$19.4 million for construction, for a total of \$39.4 million.

In 2007, the Kennedy Center updated its Comprehensive Building Plan. The 2006/2007 Comprehensive Building Plan ("CBP") provides a complete survey of the Kennedy Center facility to review the facility and systems, assess progress against previous capital plans, and identify efforts that are needed to maintain or renew the building. In addition, the CPB reviews the facility's compliance with current codes and standards to ensure that project planning keeps pace with any revisions to applicable codes and standards.

For each building component, the CBP contains a description of existing conditions and recommendations for correction actions. The goals of these corrective actions are to address Americans with Disabilities Act accessibility, life safety, and other code deficiencies; repair, update, and replace worn-out, obsolete, or inefficient building systems and other components; and provide improved visitor services and memorial interpretation.

Over the past ten years, the priorities for Kennedy Center capital improvements were life safety and accessibility projects. With the pending completion of these projects, the current CBP

emphasizes facility infrastructure. In some past projects, such as theater renovations, the mechanical and electrical infrastructure scope has been limited to replacement of renovated space. The primary building mechanical and electrical systems consist of original equipment and those elements not previously replaced are reaching the end of normative service life, are showing signs of failure or impending breakdown, or are deteriorating. The CBP includes systematic rehabilitation of these primary mechanical and electrical systems.

#### **H.R. \_\_\_\_\_, the “John F. Kennedy Center Reauthorization Act of 2007”**

H.R. \_\_\_ authorizes appropriations for maintenance and capital projects of the Kennedy Center for fiscal years 2008 through 2010. For maintenance, repair, and security, the bill authorizes \$20.2 million for fiscal year 2008, \$21.8 million for fiscal year 2009, and \$22.5 million for fiscal year 2010. For capital projects, the bill authorizes \$23.15 million for fiscal year 2008, \$16 million for fiscal year 2009, and \$17 million for fiscal year 2010. These authorization levels are derived from the Kennedy Center’s 2006/2007 Comprehensive Building Plan. As noted above, the capital projects focus on mechanical and electrical systems.

In addition, the Board is authorized to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the Kennedy Center. The bill authorizes such sums as may be necessary to construct the system.

#### **Prior Legislative and Oversight Activities**

In the 108<sup>th</sup> Congress, P.L. 108-410 authorized appropriations for repairs, maintenance, security, and capital improvements for the Kennedy Center for four years (FY 2004 through FY 2007). In the 109<sup>th</sup> Congress, P.L. 109-306 authorized additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007. This law increased the Kennedy Center’s FY 2007 authorization levels to make them consistent with the Administration’s budget request.

On October 29, 2007, Chairman James L. Oberstar introduced H.R. \_\_\_\_\_, the “John F. Kennedy Center Reauthorization Act of 2007”.

#### **Amendments**

No amendments are expected at this time.

**H.R. 3315, TO PROVIDE THAT THE GREAT HALL OF THE CAPITOL VISITOR CENTER  
SHALL BE KNOWN AS EMANCIPATION HALL**

**Background**

H.R. 3315 designates the great hall of the Capitol Visitors Center (“CVC”) as Emancipation Hall.

More than three million people visit the United States Capitol on an annual basis. In 1991, Congress provided funds for the conceptual design and planning of the CVC. In 1993, the Capitol Preservation Commission allocated funds to carry the conceptual study into an actual design document.

On July 24, 1998, Russell Weston, Jr. burst through a security checkpoint entrance on the eastern front of the Capitol and opened fire, killing two Capitol Police officers and wounding several others. Soon after the shooting, Congress appropriated funds for a visitor’s center to increase security within the Capitol, and to provide a safer environment for visitors awaiting tours of the Capitol. The September 11, 2001 terrorist attacks and the subsequent discovery of anthrax in congressional office buildings in October 2001 highlighted concerns regarding the potential vulnerabilities of the Capitol and the need for improved security.

The CVC project has been beset with completion delays and cost overruns. Congress initially appropriated \$100 million for the project. However, today, the CVC is expected to cost almost \$600 million.

The new CVC is expected to be completed in the fall of 2008. This Center encompasses 580,000 square feet of space on three levels above and below ground. The footprint is approximately five acres, which is about 193,000 square feet, and is larger than the foot print of the Capitol itself. The CVC will include a great hall that will include information and ticketing desks, as well as provide a generous waiting area. In addition, there will be also an exhibition gallery, two orientation theaters, a new dining cafeteria with capacity for 550 people, two gift shops, 26 restrooms, and a 1,000 foot linear tunnel for truck loading and delivery.

**Prior Legislative and Oversight Activities**

On August 2, 2007, Representative Zach Wamp introduced H.R. 3315. The bill designates the great hall of the Capitol Visitors Center as Emancipation Hall.

On September 25, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on H.R. 3315. Prior to the introduction of H.R. 3315, the Subcommittee held a hearing on June 8, 2007, entitled “What Visitors Can Expect at the Capitol Visitors Center: Transportation, Access, Security and Visuals”.

**Amendments**

Specific information on amendments is not available at this time.

**H.R. 3712, TO DESIGNATE THE FEDERAL BUILDING AND UNITED STATES COURTHOUSE LOCATED AT 1716 SPIELBUSCH AVENUE IN TOLEDO, OHIO, AS THE “JAMES M. & THOMAS W.L. ASHLEY CUSTOMS BUILDING AND UNITED STATES COURTHOUSE”**

**Background**

H.R. 3712 designates the Federal building located at 1716 Spielbusch Avenue in Toledo, Ohio, as the “James M. & Thomas W.L. Ashley United States Courthouse”.

James Monroe Ashley (1824-1896) served five terms as a Representative from Ohio. Representative Ashley was recognized as a champion for abolitionist causes. During the American Civil War, Ashley was the first Representative to call for an amendment to the United States Constitution that would outlaw slavery. His amendment served as the antecedent of the Thirteenth amendment which abolished slavery within the United States and its territories.

Thomas William Ludlow Ashley is the great grandson of former Governor and Congressman James M. Ashley. In 1954, Thomas William Ludlow Ashley was elected to Congress and served a total of 13 terms in Congress. While in Congress, Representative Ashley served as Chairman of the Select Committee on Energy and the Committee on Merchant Marine and Fisheries. In 1977, Speaker Tip O’Neill established a Select Committee on Energy and appointed Representative Ashley to chair the Committee. The Select Committee on Energy compiled an energy bill, based on bills reported by several House committees in response to President Jimmy Carter’s legislative proposal.

**Prior Legislative and Oversight Activities**

On October 1, 2007, Representative Marcy Kaptur introduced H.R. 3712. This bill was not introduced in a previous Congress.

**Amendments**

During consideration of the bill, an amendment in the nature of a substitute will be offered. The amendment makes technical corrections to the bill.