

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF
2008

JUNE 27, 2008.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany H.R. 3986]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (H.R. 3986) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes, having considered the same, reports favorably thereon, with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

PURPOSES OF THE LEGISLATION

The John F. Kennedy Center Reauthorization Act of 2008 (the Act) amends the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

GENERAL STATEMENT AND BACKGROUND

Public Law 85-874 established a National Cultural Center in 1958. In 1964, Public Law 88-260 established the performing arts center as a living memorial to honor the late president by changing the name of the center to the John F. Kennedy Center for the Performing Arts. Edward Durell Stone designed the building, and in December 1965, President Lyndon Johnson broke ground for the Kennedy Center on a site located along the banks of the Potomac River. In 1971, the building opened to its first visitors.

The Kennedy Center is located on 17 acres of land adjacent to the Potomac River. Each year it attracts millions of patrons to performances on its many stages and venues. Through its outreach

and education programs, the Kennedy Center reaches more than 7 million people nationwide each year.

Though established by an act of Congress, the Kennedy Center only receives Federal funds for the repair and upkeep of the physical infrastructure of the building, and is required to raise private funds to support its artistic activities.

The Kennedy Center requested the committee to authorize for capital projects \$23.15 million for fiscal year 2008, \$16 million for fiscal year 2009, \$17 million for 2010 and 2011, and \$18.5 million for fiscal year 2012. For maintenance, repair, and security the Kennedy Center requested sums of \$20.2 million for fiscal year 2008, \$21.8 million for fiscal year 2009, \$22.5 million for fiscal year 2010, \$23.5 million for fiscal year 2011, and \$24.5 million for fiscal year 2012.

On December 12, 2007, after favorable action by the House Committee on Transportation and Infrastructure and the House of Representatives, the bill was received, read twice and referred to the Senate Committee on Environment and Public Works.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 designates the short title as the ‘John F. Kennedy Center Reauthorization Act of 2008’.

Section 2. Technical amendment

Section 2 amends section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) by striking “Public Works and Transportation” and inserting “Transportation and Infrastructure”.

Section 3. Photovoltaic system

Section 3 amends The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) to add section 7 to the Act. This section authorizes the Board of Trustees to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the Kennedy Center. This section also requires the Board to submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the feasibility and design of the project prior to beginning construction of the project.

The Kennedy Center possesses a very large flat four-acre roof, presenting an opportunity for the installation of photovoltaics (PV) as an alternate source of electricity for the facility. The Center estimates that an investment of approximately \$6 million would be required to install PV on all of the available roof area, yielding a savings of approximately \$10.2 million over 25 years. Actual installation would depend upon confirmation that this project is feasible and advisable.

Section 4. Authorization of appropriations

Section 4(1) amends section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) to authorize appropriations to carry out maintenance, repair, and security projects for the Kennedy Center of \$20.2 million for fiscal year 2008, \$21.8 million for fiscal year 2009,

\$22.5 million for fiscal year 2010, \$23.5 million for fiscal year 2011, and \$24.5 for fiscal year 2012. This section also authorizes appropriations to carry out capital projects for the Kennedy Center of \$23.15 million for fiscal year 2008, \$16 million for fiscal year 2009, \$17 million for fiscal year 2010, \$17 million for fiscal year 2011, and \$18.5 million for fiscal year 2012.

Section 4(2) redesignates subsection (d) of section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) as subsection (e).

Section 4(3) authorizes such sums as may be necessary to carry out section 7 of the John F. Kennedy Center Act, which authorizes the Board of Trustees to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the Kennedy Center.

Section 5. Existing authorities

Section 5 provides that nothing in this Act shall limit or affect the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.

LEGISLATIVE HISTORY

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

On December 12, 2007, after favorable action by the Committee on Transportation and Infrastructure and the House of Representatives, the bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The committee met on May 21, 2008, to consider the bill. H.R. 3986 was ordered to be reported with amendment favorably.

HEARINGS

The Committee did not hold hearings on H.R. 3986 during the 110th Congress.

ROLL CALL VOTES

There were no roll call votes. The Committee on Environment and Public Works met to consider H.R. 3976 on May 21, 2008. A quorum of the Committee being present, H.R. 3986 was reported favorably without amendment by a voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b)(2) of rule XXVI of the Standing Rules of the Senate, the Committee estimates that no regulatory impact is expected by the passage of the bill. The bill will not affect the personal privacy of individuals. As noted below, the Congressional Budget Office has concluded that the bill will not establish any private-sector mandates.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee finds, consistent with the determination of the Congressional Budget Office, that H.R. 3986 would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. The Committee further agrees with the Congressional Budget Office that the bill does not impose private sector mandates.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office.

H.R. 3986—John F. Kennedy Center Reauthorization Act of 2008

H.R. 3986 would authorize the appropriation of specified amounts for maintenance, repair, security, and capital projects at the John F. Kennedy Center for the Performing Arts for fiscal years 2008 through 2012. In addition, H.R. 3986 would authorize the appropriation of such sums as may be necessary for the study, planning, and construction of a photovoltaic (solar panel) system for the main roof of the Kennedy Center. Based on the cost of similar projects for other federal buildings, CBO estimates that the system would cost about \$6 million, though costs could vary depending on the type of system chosen.

The amounts authorized for 2008 match the amounts already appropriated for that fiscal year. Assuming appropriation of the specified and necessary amounts for 2009 through 2012, CBO estimates that implementing H.R. 3986 would increase outlays by \$23 million in 2009 and \$150 million over the 2009–2013 period, as shown in the following table. The costs of this act fall within budget function 500 (education, training, employment, and social services). Enacting the legislation would not affect direct spending or revenues.

	By fiscal year, in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Maintenance and Capital Projects:						
Authorization Level	38	40	41	43	0	162
Estimated Outlays	23	30	35	39	17	144
Photovoltaic System:						
Estimated Authorization Level	6	0	0	0	0	6
Estimated Outlays	1	3	2	0	0	6
Total Changes:						
Estimated Authorization Level	44	40	41	43	0	168
Estimated Outlays	24	33	37	39	17	150

H.R. 3986 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments. The bill contains no new private-sector mandates as defined in UMRA.

On November 20, 2007, CBO transmitted a cost estimate for H.R. 3986 as ordered reported by the House Committee on Transportation and Infrastructure on October 31, 2007. This estimate takes

into account the fact that appropriations have been provided for fiscal year 2008 and that the Senate version of the legislation would authorize appropriations for 2011 and 2012.

The CBO staff contact for this estimate is Christina Hawley Anthony. This estimate was approved by Keith Fontenot, Deputy Assistant Director for Health and Human Resources, Budget Analysis Division.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

JOHN F. KENNEDY CENTER ACT

* * * * *

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “John F. Kennedy Center Act”.

(b) FINDINGS.—Congress finds that

(1) * * *

* * * * *

SEC. 2. BOARD OF TRUSTEES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereafter in this Act referred to as the “Board”), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy, and to execute such other functions as are vested in the Board by this Act.

(2) MEMBERSHIP.—The Board shall be composed of—

(A) * * *

* * * * *

(I) the Secretary of the Smithsonian Institution;

(J)(i) the Speaker and the Minority Leader of the House of Representatives;

(ii) the chairman and ranking minority member of the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives; and

* * * * *

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds

and the organization and procedure of the Board. The Board may function notwithstanding vacancies and twelve members of the Board shall constitute a quorum for the transaction of business.

(b)* * *

* * * * *

SEC. 7. PHOTOVOLTAIC SYSTEM.

(a) *IN GENERAL.*—*The Board is authorized to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.*

(b) *REPORT.*—*Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the feasibility and design of the project.*

* * * * *

[SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

[(a) *MAINTENANCE, REPAIR, AND SECURITY.*—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

[(1) \$13,000,000 for fiscal year 1999;

[(2) \$14,000,000 for each of fiscal years 2000 and 2001; and

[(3) \$15,000,000 for each of fiscal years 2002 and 2003.]

[(b) *CAPITAL PROJECTS.*—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

[(1) \$20,000,000 for each of fiscal years 1999, 2000, and 2001;

[(2) \$19,000,000 for fiscal year 2002; and

[(3) \$17,000,000 for fiscal year 2003.]]

(a) *MAINTENANCE, REPAIR, AND SECURITY.*—*There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—*

(1) \$20,200,000 for fiscal year 2008;

(2) \$21,800,000 for fiscal year 2009; and

(3) \$22,500,000 for fiscal year 2010.

(4) \$23,500,000 for fiscal year 2011; and

(5) \$24,500,000 for fiscal year 2012.

(b) *CAPITAL PROJECTS.*—*There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—*

(1) \$23,150,000 for fiscal year 2008;

(2) \$16,000,000 for fiscal year 2009; and

(3) \$17,000,000 for fiscal year 2010.

(4) \$17,000,000 for fiscal year 2011; and

(5) \$18,500,000 for fiscal year 2012.

(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.

(d) *PHOTOVOLTAIC SYSTEM.*—*There are authorized to be appropriated to the Board such sums as may be necessary to carry out section 7, with such sums to remain available until expended.*

[(d)](e) **LIMITATION ON USE OF FUNDS.**—No funds appropriated pursuant to this section may be used for any direct expense incurred in the production of a performing arts attraction, for personnel who are involved in performing arts administration (including any supply or equipment used by the personnel), or for production, staging, public relations, marketing, fundraising, ticket sales, or education. Funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for any performing arts function and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repair.

* * * * *

