

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF  
2007

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DECEMBER 10, 2007.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. OBERSTAR, from the Committee on Transportation and  
Infrastructure, 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 Transportation and Infrastructure, to whom 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, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 3986 amends the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

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. Established as a bureau of the Smithsonian Institution, the Kennedy Center came under the jurisdiction of the Department of the Interior and was the responsibility of the National Park Service for the first 24 years of its operation. During this time, due mostly to lack of funding, the condition of the Kennedy Center's physical infrastructure was not properly monitored or maintained such that, by the early 1990s, there was a severe deterioration of many critical systems. P.L. 103-279 transferred jurisdiction of the Kennedy Center from the National Park Service to the Board of Trustees. The maintenance 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 fiscal year ("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 President'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") reviews the facility and systems, assesses progress against previous capital plans, and identifies efforts that are needed to maintain or renew the building. In addition, the CBP 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. The authorization levels in the legislation are derived from the 2006/2007 Comprehensive Building Plan.

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.

## SUMMARY OF THE LEGISLATION

*Section 1. Short title*

Section 1 designates the short title as the “John F. Kennedy Center Reauthorization Act of 2007”.

*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.

*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 FY 2008, \$21.8 million for FY 2009, and \$22.5 million for FY 2010. This section also authorizes appropriations to carry out capital projects for the Kennedy Center of \$23.15 million for FY 2008, \$16 million for FY 2009, and \$17 million for FY 2010.

Section 4(2) 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 AND COMMITTEE CONSIDERATION

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 September 27, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on the reauthorization of the Kennedy Center.

On October 29, 2007, Chairman James L. Oberstar introduced H.R. 3986, the “John F. Kennedy Center Reauthorization Act of 2007”.

On October 30, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management met to consider H.R. 3986 and recommended the bill favorably to the Committee on Transportation and Infrastructure by voice vote with a quorum present.

On October 31, 2007 the Committee on Transportation and Infrastructure met in open session to consider H.R. 3986. The Committee ordered the bill reported favorably to the House by voice vote with a quorum present.

#### RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 3986 reported. A motion to order H.R. 3986 reported favorably to the House was agreed to by voice vote with a quorum present.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(I) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and to authorize the Board of Trustees to study, plan, design, engineer, and construct a photovoltaic system for the main roof of the Kennedy Center.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 3986 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 20, 2007.*

Hon. JAMES L. OBERSTAR,  
*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. 3986, the John F. Kennedy Center Reauthorization Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

ROBERT A. SUNSHINE,  
(For Peter R. Orszag, Director).

Enclosure.

*H.R. 3986—John F. Kennedy Center Reauthorization Act of 2007*

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, 2009, and 2010. 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.

Assuming appropriation of the specified and necessary amounts, CBO estimates that implementing H.R. 3986 would increase outlays by \$24 million in 2008 and \$118 million over the 2008–2012 period, as shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services). Enacting the bill would not affect direct spending or revenues.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Maintenance and Capital Projects:					
Authorization Level .....	43	38	40	0	0
Estimated Outlays .....	23	31	35	74	9
Photovoltaic System:					
Estimated Authorization Level .....	6	0	0	0	0
Estimated Outlays .....	1	3	2	0	0
Total Changes:					
Estimated Authorization Level .....	49	38	40	0	0
Estimated Outlays .....	24	34	37	14	9

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.

The CBO staff contact for this estimate is Christina Hawley Anthony. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

## COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3986 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

## FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

## PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3986 does not preempt any state, local, or tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

## APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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**

\* \* \* \* \*

**SEC. 2. BOARD OF TRUSTEES.**

(a) ESTABLISHMENT.—

(1) \* \* \*

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

(A) \* \* \*

\* \* \* \* \*

(J)(i) \* \* \*

(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. 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.

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#### 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) \$17,000,000 for fiscal year 2004;**

**[(2) \$18,000,000 for each of fiscal years 2005 and 2006; and**

**[(3) \$19,100,000 for fiscal year 2007.]**

**[(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) \$16,000,000 for fiscal year 2004;**

**[(2) \$18,000,000 for each of fiscal years 2005 and 2006; and**

**[(3) \$20,000,000 for fiscal year 2007.]**

(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.

(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.

\* \* \* \* \*

(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 per-

sonnel 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.

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