

## Calendar No. 348

108TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
108-174

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### AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

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OCTOBER 28, 2003.—Ordered to be printed

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Mr. INHOFE, from the Committee on Environment and Public  
Works, submitted the following

### REPORT

[to accompany S. 1757]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 1757), to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, having considered the same, reports favorably with an amendment and recommends that the bill do pass.

#### BACKGROUND

Public Law 85-874 established the National Center for the Performing Arts 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. 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 building consists of 1.5 million square feet of usable floor space, on 17 acres of land adjacent to the Potomac River, bounded by the Rock Creek Parkway on the west and Potomac Freeway to the east. The building contains eight theaters with

total seating capacity of 7,100 patrons, two public restaurant facilities, a gift shop, educational facilities, meeting rooms, rehearsal space, 1,400 parking spaces, and 50,000 square feet of administrative office space. Each year the Kennedy Center attracts millions of patrons to performances of every style and type to its many stages and venues. Through its outreach and education programs, the Kennedy Center has reached over five million schoolchildren in all 50 States and the District of Columbia.

In 1994, during the course of its first independent authorization, several new requirements were placed upon the Kennedy Center. Included among them were the development of a Comprehensive Building Plan (CBP), a Master Plan for all facilities, as well as to conduct an engineering study of the existing facilities to determine their useful life and a timeline for expected replacement.

As a result of this legislation, in 1996, the Kennedy Center developed a 10-year CBP that covered fiscal years 1999 through 2008. The plan was submitted to Congress, however, only enough funds to complete the first 5 years of the plan were authorized. This plan was updated in 2002, and attempts to continue the work begun in the previous CBP. The current plan, like its predecessor, is organized into 6 major building components, which track similar budget categories, as well as a seventh budget category that addresses overall management. These 7 components include the exterior envelope; life safety and security; interior conditions; building systems/infrastructure; memorial interpretation and visitor services; parking and site circulation; and comprehensive planning and project management.

As currently drafted, the CBP envisions completion of 16 major and a number of minor capital projects. Included in this are restoration of the existing curtain wall, renovation of the motor lobby and roof terrace, a number of security improvements, ADA, fire and life safety renovations to the theaters, restrooms and office space, elevator and escalator modernization, parking and site circulation improvements, in addition to a number of other renovations to the theaters, public areas, and building systems.

The Kennedy Center requested of the committee to authorize for capital projects \$16 million for fiscal year 2004 and such sums as necessary for fiscal year 2005 through 2008. For maintenance, repair, and security the Kennedy Center requested sums of \$17,000,000 for fiscal year 2004 and such sums as necessary for fiscal year 2005 through fiscal year 2008.

On October 17, 2003, Senators Inhofe and Jeffords introduced S. 1757 to authorize appropriations for the Kennedy Center, which was referred to the Committee on Environment & Public Works. The bill, as reported by the Committee, authorizes \$16 million for fiscal year 2004; \$18 million for fiscal year 2005 and fiscal year 2006; and \$12,000,000 for fiscal year 2007 and FY2008. The reported bill also authorizes \$17,000,000 for fiscal year 2004 and \$18 million for fiscal year 2005 through 2008 for capital projects..

## SUMMARY OF THE LEGISLATION

*Section 1. Authorization of Appropriations for the John F. Kennedy Center*

Section 1 of the bill amends Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) to authorize appropriations for maintenance, repair and security projects and for capital projects. Maintenance, repair, and security are authorized \$17 million for fiscal year 2004 and \$18 million for each of fiscal years 2005 through 2008. Capital projects are authorized \$16 million for fiscal year 2004; \$18 million for fiscal years 2005 and 2006; and \$12 million for fiscal years 2007 and 2008.

## HEARINGS

No hearings were held on S. 1757

## ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of legislation be noted in the report.

On October 23, 2003, the committee met to consider the S. 1757. A manager's amendment offered by Senators Inhofe and Jeffords was agreed to by voice vote. S. 1757, as amended, was ordered reported by voice vote. No rollcall votes occurred on the bill.

## EVALUATION OF REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate requires publication in the report the committee's estimate of the regulatory impact of the bill as reported. The bill S. 1757, as reported from the Committee on Environment and Public Works is expected to impose no regulatory impact.

The bill will not affect the personal privacy of individuals.

## MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee makes the following evaluation of the Federal mandates contained in the reported bill.

S. 1757, as reported, imposes no Federal intergovernmental mandates on State, local, or tribal governments.

## COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, October 28, 2003.

Hon. JAMES M. INHOFE, *Chairman,*  
*Committee on Environment and Public Works,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1757, a bill to amend the John F. Kennedy Center Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Donna Wong who can be reached at 226-2820.

Sincerely,

DOUGLAS HOLTZ-EAKIN

*S. 1757, A bill to amend the John F., Kennedy Center Act, as ordered reported by the Senate Committee on Environment and Public Works on October 23, 2003*

*Summary*

S. 1757 would authorize funding for the John F. Kennedy Center for the Performing Arts through 2008. Such funding is currently authorized through October 31, 2003, by the Continuing Appropriations Act (Public Law 108-84).

Authorizations under the bill total \$33 million in 2004 and \$165 million over the 2004-2008 period. CBO estimates that appropriation of the authorized levels would result in outlays of \$138 million over the 2004-2008 period. Enacting S. 1757 would not affect direct spending or receipts.

S. 1757 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no effect on State, local, or tribal governments.

*Estimated Cost to the Federal Government*

The estimated budgetary impact of S. 1757 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

By Fiscal Year, in Millions of Dollars

	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for the Kennedy Center.						
Budget Authority <sup>1</sup> .....	34	0	0	0	0	0
Estimated Outlays .....	36	18	9	6	0	0
Proposed Changes:						
Operation, Maintenance, Repair, and Security:						
Authorization Level .....	0	17	18	18	18	18
Estimated Outlays .....	0	14	18	18	18	18
Construction:						
Authorization Level .....	0	16	18	18	18	12
Estimated Outlays .....	0	4	9	12	14	15
Total Proposed Changes:						
Authorization Level .....	0	33	36	36	30	30
Estimated Outlays .....	0	18	26	30	32	33

By Fiscal Year, in Millions of Dollars

	2003	2004	2005	2006	2007	2008
Total Spending Under S. 1757 for the Kennedy Center:						
Budget Authority/Authorization Level .....	34	33	36	36	30	30
Estimated Outlays .....	36	35	36	36	32	33

<sup>1</sup>The 2003 level is the amount appropriated that year for the John F. Kennedy Center for the Performing Arts, with \$16 million provided for operations and \$18 million for construction. No full year appropriation for 2004 has been enacted yet.

### *Basis of Estimate*

S. 1757 would authorize the appropriation of \$17 million in 2004 and \$18 million in each of the years 2005 through 2008 for operations, maintenance, repair, and security for the Kennedy Center. The bill would authorize the appropriation of \$16 million in 2004, \$18 million in each of 2005 and 2006, and \$12 million in 2007 and 2008 for capital, (construction) projects. Total funding for the 2004–2008 period would be \$165 million, with resulting outlays of about \$138 million over those 5 years. The estimated outlays reflect historical rates of spending for the Kennedy Center.

### *Intergovernmental and Private-Sector Impact*

S. 1757 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no effect on State, local, or tribal governments.

### *Previous CBO Estimate*

On October 3, 2003, CBO transmitted a cost estimate for H.R. 3198, the John F. Kennedy Center Reauthorization Act of 2003, as ordered reported by the House Committee on Transportation and Infrastructure on October 1, 2003. The two bills are similar; however, H.R. 3198 would only authorize funding for the Kennedy Center through 2006.

*Estimate Prepared By:* Federal Costs: Donna Wong (226–2820); Impact on State, Local, and Tribal Governments: Sarah Puro (225–3220); Impact on the Private Sector: Jean Talarico (226–2940).

*Estimate Approved By:* Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

### CHANGES TO 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:

[PUBLIC LAW 105-95; AS AMENDED BY PUBLIC LAWS 105-226, 107-117, 107-224]

**JOHN F. KENNEDY CENTER ACT**

\* \* \* \* \*

AN ACT To provide for a John F. Kennedy Center for the Performing Arts which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia.

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**SECTION 1. [20 U.S.C. 76h note] SHORT TITLE AND FINDINGS.**

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**SEC. 13. [20 U.S.C. 76r] 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) \$17,000,000 for fiscal year 2004; and
- (2) \$18,000,000 for each of fiscal years 2005 through 2008.

(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; and
- (2) \$18,000,000 for each of fiscal years 2005 through 2008.”
- (1) \$16,000,000 for fiscal year 2004;
- (2) \$18,000,000 for each of fiscal years 2005 and 2006; and
- (3) \$12,000,000 for fiscal years 2007 and 2008.

(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.

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