

# TRANSFER OPERATING RESPONSIBILITIES AT THE KENNEDY CENTER

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## HEARING BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE COMMITTEE ON NATURAL RESOURCES HOUSE OF REPRESENTATIVES ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

### **H.R. 3567**

TO AMEND THE JOHN F. KENNEDY CENTER ACT TO TRANSFER OPERATING RESPONSIBILITIES TO THE BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS, AND FOR OTHER PURPOSES

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HEARING HELD IN WASHINGTON, DC  
APRIL 14, 1994

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**H.R. 3567, TO AMEND THE JOHN F. KENNEDY CENTER ACT TO TRANSFER OPERATING RESPONSIBILITIES TO THE BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS, AND FOR OTHER PURPOSES**

THURSDAY, APRIL 14, 1994

SUBCOMMITTEE ON NATIONAL PARKS,  
FORESTS AND PUBLIC LANDS,  
COMMITTEE ON NATURAL RESOURCES,  
*Washington, DC.*

The Subcommittee met at 10:00 a.m. in room 1324 of the Longworth House Office Building, Hon. Bruce F. Vento, chairman of the subcommittee, presiding.

**STATEMENT OF HON. BRUCE F. VENTO**

Mr. VENTO. The Subcommittee on National Parks, Forests and Public Lands will be in order.

This morning, we are meeting to hear the legislation related to the Kennedy Center, a matter that has been off and on before the Committee, at least, a subject matter for the past three or four years concerning the operations and maintenance of the Kennedy Center. The legislation before us, H.R. 3567, has been considered by the Public Works and Transportation Committee and has been subsequently referred to the Committee on Natural Resources through the end of this month.

The bill provides a five year authorization for maintenance, repair and capital projects at the Center and transfers all current National Park Service responsibilities and personnel to the Kennedy Center Board of Trustees. The John F. Kennedy Center for the Performing Arts is an existing unit of the National Park System. For 20 years, the National Park Service has been, by law, responsible for the non-performing art functions at the Center.

Under the measure before us, the Park Service would no longer be responsible for any of the Center functions. And, the Kennedy Center's funding would be approved through appropriation as a bureau of the Smithsonian Institution.

The relationship between the National Park Service and the Kennedy Board of Trustees has been ambiguous, at best. The Center now requires approximately 100 million dollars' worth of repairs and capital improvements. And, the need for clarification of the respective responsibilities has become critical.

Both the Park Service and the Kennedy Center have agreed that a complete separation of the National Park Service from the Center is the most appropriate resolution of the problems confronting the Center. The hearing today will focus on the reasons for this proposed separation and, more importantly, I think, the procedures involved to ensure that the Park Service interest and the employees are fairly represented during and after the transition, that the Center and the public grounds are operated in a manner fitting its status as a national memorial.

[Text of H.R. 3567 and background follow:]

103D CONGRESS  
1ST SESSION

# H. R. 3567

To amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1993

Mr. MINETA (for himself, Mr. MCDADE, Mr. WILSON, Mr. VENTO, Mr. TRAFICANT, Mr. DUNCAN, and Ms. NORTON) (all by request) introduced the following bill; which was referred to the Committee on Public Works and Transportation

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## A BILL

To amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "John F. Kennedy Cen-  
5 ter Act Amendments of 1993".

1 **SEC. 2. BUREAU, BOARD OF TRUSTEES, AND ADVISORY**  
2 **COMMITTEE.**

3 Section 2 of the John F. Kennedy Center Act (here-  
4 after referred to as the "Act") (20 U.S.C. 76h) is  
5 amended—

6 (1) by redesignating subsections (a), (b), and  
7 (c) as subsections (b), (c), and (d);

8 (2) by inserting before subsection (b) (as reded-  
9 igned in paragraph (1)) the following new sub-  
10 sections:

11 "(a) The Congress finds that—

12 "(1) the late John Fitzgerald Kennedy served  
13 with distinction as President of the United States,  
14 and as a Member of the Senate and the House of  
15 Representatives;

16 "(2) by the untimely death of John Fitzgerald  
17 Kennedy this Nation and the world have suffered a  
18 great loss;

19 "(3) the late John Fitzgerald Kennedy was par-  
20 ticularly devoted to education and cultural under-  
21 standing and the advancement of the performing  
22 arts;

23 "(4) it is fitting and proper that a living insti-  
24 tution of the performing arts, designated as the Na-  
25 tional Center for the Performing Arts, named in the  
26 memory and honor of this great leader, shall serve

1 as the sole national monument to his memory within  
2 the city of Washington and its environs;

3 “(5) such a living memorial serves all of the  
4 people of the United States by preserving, fostering,  
5 and transmitting the performing arts traditions of  
6 the people of this Nation and other countries by pro-  
7 ducing and presenting music, opera, theater, dance,  
8 and other performing arts; and

9 “(6) such a living memorial should be housed in  
10 the John F. Kennedy Center for the Performing  
11 Arts, located in the District of Columbia.”;

12 (3) in subsection (b) (as redesignated in para-  
13 graph (1)),

14 (A) in the first sentence, by inserting “as  
15 the National Center for the Performing Arts, a  
16 living memorial to John Fitzgerald Kennedy,”  
17 after “thereof”; and

18 (B) in the second sentence—by striking  
19 “Chairman of the District of Columbia Recre-  
20 ation Board” and inserting “Superintendent of  
21 Schools of the District of Columbia”;

22 (4) by amending subsection (c) (as redesignated  
23 in paragraph (1)) to read as follows:

24 “(c) The general trustees shall be appointed by the  
25 President of the United States and each such trustee shall

1 hold office as a member of the Board for a term of 6 years,  
2 except that—

3       “(1) any member appointed to fill a vacancy oc-  
4 ccurring prior to the expiration of the term for which  
5 such member’s predecessor was appointed shall be  
6 appointed for the remainder of such term;

7       “(2) a member shall continue to serve until  
8 such member’s successor has been appointed; and

9       “(3) the term of office of a member appointed  
10 prior to the date of enactment of this subsection  
11 shall expire as designated at the time of appoint-  
12 ment.”;

13       (5) in subsection (d) (as redesignated in para-  
14 graph (1)),

15           (A) in the first sentence, by inserting “of  
16 the United States” after “President” and be-  
17 fore “may”;

18           (B) in the fourth sentence, by striking  
19 “in” after “cultural activities to be carried on”  
20 and substituting “by”; and

21           (C) by inserting a period after “compensa-  
22 tion” and striking the remainder of the last  
23 sentence.

24       (6) EFFECTIVE DATE FOR CERTAIN APPOINT-  
25 MENTS.—The appointment made pursuant to the

1 amendment made by clause (ii) of subsection (3)(B)  
2 shall not commence until the expiration of the term  
3 of the chairman of the District of Columbia Recre-  
4 ation Board, serving as a trustee of the John F.  
5 Kennedy Center for the Performing Arts on the date  
6 of enactment of this Act.

7 **SEC. 3. PRESENTATIONS, PROGRAMS, FACILITIES FOR AC-**  
8 **TIVITIES, AND MEMORIAL IN HONOR OF THE**  
9 **LATE PRESIDENT; RESTRICTION ON ADDI-**  
10 **TIONAL MEMORIALS.**

11 Subsection (a) of section 4 of the Act (20 U.S.C. 76j)  
12 is amended to read as follows:

13 “(a)(1) The Board shall—

14 “(A) present classical and contemporary music,  
15 opera, drama, dance, and other performing arts  
16 from the United States and other countries;

17 “(B) promote and maintain the Center as the  
18 National Center for the Performing Arts by—

19 “(i) developing and maintaining a leader-  
20 ship role in national performing arts education  
21 policy and programs, including developing and  
22 presenting original and innovative performing  
23 arts and educational programs for children,  
24 youth, families, adults, and educators designed

1 specifically to foster an appreciation and under-  
2 standing of the performing arts;

3 “(ii) developing and maintaining, a com-  
4 prehensive and broad program for national and  
5 community outreach, including establishing  
6 model programs for adaptation by other pre-  
7 senting and educational institutions; and

8 “(iii) conducting joint initiatives with the  
9 national education and outreach programs of  
10 the Very Special Arts, an entity affiliated with  
11 the John F. Kennedy Center for the Perform-  
12 ing Arts which has an established program for  
13 the identification, development and implementa-  
14 tion of model programs and projects in the arts  
15 for disabled individuals;

16 “(C) strive to ensure that the John F. Kennedy  
17 Center for the Performing Arts education and out-  
18 reach programs and policies meet the highest level of  
19 excellence and reflect the cultural diversity of the  
20 Nation;

21 “(D) provide facilities for other civic activities  
22 at the John F. Kennedy Center for the Performing  
23 Arts;

1           “(E) provide within the John F. Kennedy Cen-  
2           ter for the Performing Arts a suitable memorial in  
3           honor of the late President;

4           “(F) develop a comprehensive building needs  
5           plan for the existing features of the John F. Ken-  
6           neddy Center for the Performing Arts;

7           “(G) plan, design, and construct all major cap-  
8           ital projects at the John F. Kennedy Center for the  
9           Performing Arts; and

10          “(H) provide information and interpretation; all  
11          maintenance, repair, and alteration of the building;  
12          and janitorial, security, and all other services nec-  
13          essary for operating the building and site.

14          “(2)(A) The Board, in accordance with applicable  
15          law, may enter into contracts or other arrangements with,  
16          and make payments to, public agencies or private organi-  
17          zations or persons in order to carry out the Board’s func-  
18          tions under this Act. This includes, but is not limited to,  
19          utilizing the services and facilities of other agencies, in-  
20          cluding the Department of the Interior, General Services  
21          Administration, and Smithsonian Institution.

22          “(B) The Board shall prepare a budget pursuant to  
23          31 U.S.C. sections 1104 and 1105(a) and subject to 31  
24          U.S.C. section 1513(b).

1       “(C) The Board may utilize or employ the services  
2 of personnel of any agency or instrumentality of the Fed-  
3 eral Government or of the District of Columbia, with the  
4 consent of the agency or the instrumentality concerned,  
5 upon a reimbursable basis, or utilize voluntary or uncom-  
6 pensated personnel.

7       “(D) In carrying out its duties under this Act, the  
8 Board may negotiate any contract for an environmental  
9 system, a protection system or a repair to, maintenance  
10 of, or restoration of the John F. Kennedy Center for the  
11 Performing Arts with selected contractors and award the  
12 contract on the basis of contractor qualifications as well  
13 as price.

14       “(E) The Board shall maintain the Hall of Nations,  
15 the Hall of States, and the Grand Foyer in a manner that  
16 is suitable to a national performing arts center that is op-  
17 erated as a Presidential memorial.”

18 **SEC. 4. OFFICERS AND EMPLOYEES, REVIEW OF BOARD**  
19 **ACTIONS.**

20 Section 5 of the Act (20 U.S.C. 76k) is amended—

21       (1) in the first sentence of subsection (a), by  
22 striking “Smithsonian Institution” and inserting  
23 “John F. Kennedy Center for the Performing Arts,  
24 as a bureau of the Smithsonian Institution,”;

25       (2) in subsection (b)—

1 (A) in the section heading, by deleting  
2 "DIRECTOR, ASSISTANT DIRECTOR," and in-  
3 sserting "CHAIRPERSON".

4 (B) in the first sentence, by striking "di-  
5 rector, an assistant director, and a secretary of  
6 the John F. Kennedy Center for the Perform-  
7 ing Arts and of" and inserting "chairperson of  
8 the John F. Kennedy Center for the Perform-  
9 ing Arts (hereafter in this Act referred to as  
10 the 'chairperson'), who shall serve as the chief  
11 executive officer of the Center, and a secretary  
12 of the Center. The chairperson may appoint a  
13 senior level executive who, by virtue of the indi-  
14 vidual's background, shall be well suited to be  
15 responsible for facilities management and serv-  
16 ices and who may, without regard to the provi-  
17 sions of title 5, be appointed and compensated  
18 with appropriated funds, provided that com-  
19 pensation does not exceed the maximum rate of  
20 pay under 5 U.S.C. section 5376 for Senior-  
21 Level IV positions, and"

22 (C) in the last sentence by striking "direc-  
23 tor, assistant director," and inserting "chair-  
24 person"; and

1           (3) by redesignating subsection (c) as sub-  
2           section (e) in this section, and amending it to read  
3           as follows:

4           “(e) The actions of the Board relating to performing  
5           arts and to payments made or directed to be made by it  
6           from any trust funds shall not be subject to review by any  
7           officer or agency other than a court of law.”; and

8           (4) by adding after subsection (b) the following  
9           new subsections:

10          “(c) **TRANSFER.**—The property, liabilities, contracts,  
11          records, and unexpended balance of appropriations, au-  
12          thorizations, allocations and other funds employed, held,  
13          used, arising from, available to or to be made available  
14          in connection with the functions transferred from the Sec-  
15          retary of the Interior by enactment of this law, subject  
16          to 31 U.S.C. section 1531, shall be transferred to the  
17          Board as the Board and the Secretary of the Interior may  
18          determine, but not later than October 1, 1995. Unex-  
19          pended funds transferred pursuant to this subsection shall  
20          be used only for the purposes for, and subject to the terms  
21          under, which the funds were originally authorized and ap-  
22          propriated.

23          “(d) **TRANSFER OF PERSONNEL.**—Employees of the  
24          National Park Service assigned to duties related to those  
25          functions being undertaken by the Board will be trans-

1 ferred with their functions to the John F. Kennedy Center  
2 Board of Trustees not later than October 1, 1995. These  
3 employees shall remain in the Federal competitive service  
4 retaining all benefits and rights provided under title 5 of  
5 the United States Code. For a period of not less than  
6 three years, transferred employees will retain the right of  
7 priority consideration under merit promotion procedures  
8 or lateral reassignment for all vacancies within the De-  
9 partment of the Interior. All United States Park Police  
10 employees assigned to the John F. Kennedy Center will  
11 remain employees of the National Park Service. Appro-  
12 priations provided for the John F. Kennedy Center for the  
13 Performing Arts will bear all costs associated with adverse  
14 action or grievance procedures resulting from this transfer  
15 of function, and from the abolishment of law enforcement  
16 and security services performed by the United States Park  
17 Police which are incurred during the transition period  
18 when the United States Park Police are performing func-  
19 tions within the building and site of the John F. Kennedy  
20 Center for the Performing Arts. Nothing contained herein  
21 shall, following the transfer specified herein, be deemed  
22 to prohibit the Board of Trustees from reorganizing func-  
23 tions at the Center in accord with the law governing such  
24 reorganizations.”

1 **SEC. 5. OFFICIAL SEAL, BOARD VACANCIES, AND QUORUM.**  
2 **TRUSTEE POWERS AND OBLIGATIONS, RE-**  
3 **PORTS, NATIONAL PARK SERVICE INTERPRE-**  
4 **TIVE FUNCTIONS, SUPPORT SERVICES, RE-**  
5 **VIEWS AND AUDIT, SECRETARY OF THE INTE-**  
6 **RIOR'S FUNCTIONS, ESTABLISHMENT OF**  
7 **FUND.**

8 Section 6 of the Act (20 U.S.C. 761) is amended—

9 (1) in subsection (c)—by striking “its” and in-  
10 sserting “the Board’s”;

11 (2) by striking subsection (e); and

12 (3) by striking subsection (f) and inserting the  
13 following new subsections—

14 “(f) The General Accounting Office shall review and  
15 audit, at least every 3 years, the accounts of the John  
16 F. Kennedy Center for the Performing Arts for the pur-  
17 pose of examining expenditures of funds appropriated  
18 under authority provided herein.

19 “(g) The functions of the Board funded by amounts  
20 appropriated under section 12 shall be subject to the re-  
21 quirements of the Inspector General Act of 1978, as  
22 amended. The Inspector General of the Smithsonian Insti-  
23 tution is authorized to carry out the requirements of that  
24 Act on behalf of the Board, on a reimbursable basis.

25 “(h) The Board may procure insurance against any  
26 loss in connection with its property and other assets ad-

1 ministered by it. The Board's employees and volunteers  
2 shall be deemed civil employees of the United States with-  
3 in the meaning of the term 'employee' as defined in 5  
4 U.S.C. section 8101, except that the Board shall continue  
5 to provide benefits with respect to any disability or death  
6 resulting from an injury to its nonappropriated fund em-  
7 ployees pursuant to the District of Columbia workers com-  
8 pensation statute; and such benefits, whether under work-  
9 ers compensation statutes or the Federal Employees Com-  
10 pensation Act, shall continue to be the exclusive liability  
11 of the Board and the United States with respect to all  
12 employees and volunteers; but in no circumstance may an  
13 employee bring suit against the United States under the  
14 Federal Tort Claims Procedure, chapter 171 of title 28  
15 of the United States Code, for disability or death resulting  
16 from personal injury sustained while in the performance  
17 of the employee's duties for the Board.

18       “(i) Any settlement, award or judgment, made or en-  
19 tered pursuant to chapter 171 of title 28 of the United  
20 States Code, arising from any act or omission of a Ken-  
21 nedy Center Board employee in the performance of a  
22 nonappropriated fund activity, shall be paid only from  
23 funds available to the Board for its performing arts activi-  
24 ties.”

1 **SEC. 6. TECHNICAL AMENDMENT.**

2 Section 10 of the Act (20 U.S.C. 76p) is amended—

3 (1) by striking “he” and inserting “the Sec-  
4 retary”; and

5 (2) by striking “his” and inserting “the Sec-  
6 retary’s”.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 The Act is amended by inserting at the end thereof  
9 the following new section 12 (20 U.S.C. 76r):

10 **“SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) **MAINTENANCE, REPAIR AND SECURITY.**—There  
12 are authorized to be appropriated to the Board  
13 \$12,000,000 for fiscal year 1995 and each succeeding fis-  
14 cal year through fiscal year 1999 to carry out subpara-  
15 graph (H) of section 4(a)(1).

16 “(b) **CAPITAL PROJECTS.**—There are authorized to  
17 be appropriated to the Board \$9,000,000 for fiscal year  
18 1994 and each succeeding fiscal year through fiscal year  
19 1999 to carry out subparagraphs (F) and (G) of section  
20 4(a)(1).

21 “(c) **FEDERAL FUNDS.**—No funds appropriated pur-  
22 suant to this section shall be used for the direct expenses  
23 incurred in the production of performing arts attractions,  
24 or for personnel (including supplies and equipment used  
25 by them) who are involved in performing arts administra-  
26 tion, or for production, staging, public relations, market-

1 ing, fundraising, ticket sales, and education. However,  
2 funds appropriated directly to the Board shall not affect  
3 nor diminish other Federal funds sought for performing  
4 arts functions and may be used to reimburse the Board  
5 for that portion of costs that are Federal costs reasonably  
6 allocated to building services and theater maintenance and  
7 repairs.”

8 **SEC. 8. DEFINITIONS.**

9 The Act is amended by inserting at the end thereof  
10 a new section 13 (20 U.S.C. 76s)—

11 **“SEC. 13. DEFINITIONS.**

12 “For the purpose of this Act—

13 “(1) the term ‘capital projects’ means capital  
14 repairs, replacements, improvements, rehabilitations,  
15 alterations, and modifications to the existing fea-  
16 tures of the John F. Kennedy Center for the Per-  
17 forming Arts building and the site, including the  
18 theaters, garage, plaza, and building walkways;

19 “(2) the term ‘maintenance, repair, and secu-  
20 rity services’ means all services and equipment nec-  
21 essary to maintain and operate the existing features  
22 of the John F. Kennedy Center for the Performing  
23 Arts building and the site, including the theater, ga-  
24 rage, plaza, and building walkways in a manner con-

1       sistent with the requirements for high quality oper-  
2       ations;

3               “(3) the terms ‘building and site of the John F.  
4       Kennedy Center for the Performing Arts’ and  
5       ‘grounds of the John F. Kennedy Center for the  
6       Performing Arts’ mean the site in the District of  
7       Columbia on which the John F. Kennedy Center  
8       building is constructed and which extends to the line  
9       of the west face of the west retaining walls and  
10      curbs of the Inner Loop Freeway on the east, the  
11      north face of the north retaining walls and curbs of  
12      the Theodore Roosevelt Bridge approaches on the  
13      south, the east face of the east retaining walls and  
14      curbs of Rock Creek Parkway on the west, and the  
15      south curbs of New Hampshire Avenue and F Street  
16      on the north.”

17 **SEC. 9. RULES AND REGULATIONS.**

18       Sections 193r, 193u, and 193v of title 40 are amend-  
19      ed as follows:

20               (1) 40 U.S.C. section 193r is amended by strik-  
21      ing “and” after “Institution” and substituting a  
22      comma, and by adding “, and the Trustees of the  
23      John F. Kennedy Center for the Performing Arts,”  
24      after “National Gallery of Art”;

1           (2) 40 U.S.C. section 103u is amended by strik-  
2     ing "and" after "Institution" where "Institution"  
3     twice appears, and substituting in both places a  
4     comma, and by adding ", and the Trustees of the  
5     John F. Kennedy Center for the Performing Arts,"  
6     after "National Gallery of Art" in both places where  
7     "National Gallery of Art" appears; and

8           (3) 40 U.S.C. section 193v is amended by add-  
9     ing a new subsection (3)—

10           “(3) The site of the John F. Kennedy Center  
11     for the Performing Arts, which shall be held to ex-  
12     tend to the line of the west face of the west retain-  
13     ing walls and curbs of the Inner Loop Freeway on  
14     the east, the north face of the north retaining walls  
15     and curbs of the Theodore Roosevelt Bridge ap-  
16     proaches on the south, the east face of the east re-  
17     taining walls and curbs of Rock Creek Parkway on  
18     the west, and the south curbs of New Hampshire  
19     Avenue and F Street on the north.”

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**BACKGROUND ON H.R. 3567  
JOHN F. KENNEDY CENTER ACT AMENDMENTS OF 1994**

Legislation enacted in 1958 authorized the construction and operation of a National Cultural Center to serve as the Nation's center for the performing arts. In 1964, the Center was designated the John F. Kennedy Center for the Performing Arts; legislation enacted at that time specified that the Center would function as the sole memorial to the assassinated President in the District of Columbia.

In 1972, Public Law 92-313 directed the Secretary of the Interior, acting through the National Park Service, to provide maintenance, security, interpretive, janitorial and all other services necessary to the non-performing arts functions of the Kennedy Center. Since 1972, the National Park Service has been responsible for all Center operations pertaining to non-performing arts functions. In 1973, the National Park Service and Board of Trustees of the Kennedy Center agreed that the National Park Service obligation for the operating and maintenance cost of the Center would be 76.2 percent, and that of the Board would be 23.8 percent. Security, grounds maintenance, and visitor services are the responsibility solely of the National Park Service. In 1990, the National Park Service was also authorized to provide certain capital improvements to the facility.

The 1990 amendments to the original Act authorized repairs and long-term maintenance including garage repair, water leakage, repair of exterior marble contraction and expansion, mechanical systems repairs, and access for disabled persons to the building and its services.

H.R. 3567, reported favorably to the House of Representatives by the Committee on Public Works and Transportation on March 24, 1994, authorizes \$12 million per fiscal year for fiscal years 1995 through 1999 for annual, routine maintenance, and \$9 million per fiscal year for fiscal years 1995 through 1999 for a capital improvement program. All current National Park Service functions are transferred to the Board of Trustees, and employees of the National Park Service assigned to the Center will be transferred to the Board. Such employees will remain Federal employees. While there will be no transfer to the Board of U.S. Park Police assigned to the Center, the Board may enter into a cooperative agreement with the U.S. Park Police to provide law enforcement at the Center. Funding for the Kennedy Center will be provided through appropriation as a bureau of the Smithsonian Institution.

While the legislation was initially referred only to the Committee on Public Works and Transportation, the Committee on Natural Resources sought, and was granted, sequential referral of H.R. 3567 through April 29, 1994.

Mr. VENTO. We are pleased to welcome the two witnesses this morning from the Park Service and the Kennedy Center for the Performing Arts, Mr. Robert Stanton, the Regional Director, National Capital Region; and, James R. Wolfensohn, the Chairman of the John F. Kennedy Center for the Performing Arts. Gentlemen, without objection, your statements, in their entirety, will be made a part of the record.

Hearing no objection, so ordered. Mr. Dickey, did you have any comments this morning?

Mr. DICKEY. No, sir. Mr. Chairman, I would like to submit an opening statement. That's all.

Mr. VENTO. Well, fine. Without objection, the statement will be added to the record.

[Prepared statement of Mr. Dickey follows.]

**OPENING STATEMENT**  
**of**  
**THE HONORABLE JAY DICKEY**  
Fourth District - Arkansas

**Before the Natural Resources National Parks, Forests and  
Public Lands Subcommittee**

**Regarding H.R. 3567, to Amend the John F. Kennedy Center  
Act**

April 14, 1994

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Mr. Chairman, thank you for holding this hearing on Mr. Mineta's bill to transfer from the National Park Service to the Kennedy Center Board of Directors, management oversight for the Kennedy Center to the

It seems to me this is very positive legislation which I hope to support. It is good in two respects --

First, it puts primary management responsibilities in a Board that has the significant expertise to efficiently manage the day-to-day operations and needs of the Kennedy Center.

Second, it will eventually relieve the National Park Service of responsibilities for funding operations and capitol projects at the Kennedy Center. Thus, the Kennedy Center funding needs will not compete directly with very serious Park operations and construction funding shortfalls that exist at many units of the National Park System across America.

This is good legislation and I look forward to hearing and reviewing the testimony of witnesses.

Thank you.

Mr. VENTO. The record will remain open for that purpose and for others that want to submit statements during the standard period of time.

[Statement of Hon. James V. Hansen follows:]

**STATEMENT OF  
THE HONORABLE JAMES V. HANSEN  
ON H.R. 3567  
TO AMEND THE JOHN F. KENNEDY CENTER ACT  
APRIL 14, 1994**

Mr. Chairman, thank you for scheduling a hearing on this measure. The concept presented in this measure, that of removing the National Park Service from a direct management role at the Kennedy Center, was first suggested by Republicans on this Committee nearly 2 years ago and I am pleased that others have now endorsed this idea.

While this legislation is not a precedent setting Mr. Chairman, I believe that it is the first time in my nearly 14 years on this Committee, which we have considered legislation which actually reduces the responsibilities of the

National Park Service in any significant way. Congress has proven to be an expert in expanding the responsibilities of this agency, but even though the legislative history for every new area we establish states the intent of Congress to monitor the implementation of the legislation, critical review of our past actions is almost never undertaken.

I hope that our efforts today will begin the process of reviewing some of these projects. All the available evidence indicates that we must begin to prioritize the responsibilities of the National Park Service if we are truly going to take proper care of the most significant sites in the National Park System.

**PANEL CONSISTING OF ROBERT STANTON, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE; ACCOMPANIED BY JOHN DURAND, NATIONAL PARK SERVICE MANAGER FOR THE KENNEDY CENTER; DOTIE MARSHALL, REGIONAL BUDGET OFFICER FOR THE NATIONAL CAPITAL REGION; AND JIM KIRKMAN, PROJECT MANAGER, KENNEDY CENTER; AND JAMES D. WOLFENSOHN, CHAIRMAN, THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS; ACCOMPANIED BY LAWRENCE J. WILKER, PRESIDENT; WILLIAM BECKER, GENERAL COUNSEL; AND CLIFTON JETER, CHIEF FINANCIAL OFFICER**

Director Stanton, welcome. I missed you as I passed through the front row there. I don't know how I did that. You are a little hard to miss. [Laughter.]

#### **STATEMENT OF ROBERT STANTON**

Mr. STANTON. I was on the extreme end, sir. Thank you, again, for the welcome, Mr. Chairman, and to Mr. Dickey.

I appreciate the opportunity to provide your Subcommittee with the views of the Department of Interior in support of H.R. 3567, as introduced, a bill to amend the John F. Kennedy Center Act to transfer operating responsibilities from the National Park Service to the Board of Trustees of the Kennedy Center for the Performing Arts. The bill, as amended by the Public Works Committee is very similar to the draft legislation submitted to Congress by Secretary of the Interior, Bruce Babbitt, on November the 18th, 1993, with the recommendation that the bill be enacted.

The Kennedy Center was authorized in 1958 as the National Cultural Center. The Center was redesignated as the John F. Kennedy Center for the Performing Arts in 1964. Further, the Center is, by law, the sole official memorial to the late President in the District of Columbia.

Shortly after the facility's opening in 1971, it was recognized that the Center would be used not only by patrons of the arts but by national as well as international visitors to our Nation's capital who wished to see the memorial to our 35th President. In responding to this unenvisioned use, the Congress amended the John F. Kennedy Center Act to provide \$1.5 million in Fiscal Year 1972 and transferred to the Secretary of the Interior the responsibility, acting through the National Park Service, for the maintenance, security and other services necessary for the non-performing arts functions of the Center.

Since that time, the National Park Service has continued to fulfill this responsibility, providing services to over 1.5 million square feet of usable floor space, including six theaters and many other public, as well as administrative, facilities in the Center. As early as 1984, those constraints unfortunately began to limit the National Park Service program at the Kennedy Center.

At that time, the uniformed rangers providing services were replaced by National Park Service, by national support, to the theater ushers who were then charged with providing visitor information concerning the facility. Also, we are available, and have been, to the Friends of the Kennedy Center to assist them in their outstanding volunteer services for the benefit of the visitors.

The John F. Kennedy Center Act delegated to the Board of Trustees the responsibility for both the capital improvements of the facility and the performing arts program. In 1988, the Center, as well as the National Park Service staff, identified major structural problems in the parking garage.

Congress, in response to these concerns, appropriated to the National Park Service \$900 thousand to begin plans and specifications for the corrections of these problems with follow-on funds of four million appropriated in 1990 to begin construction repair. Nevertheless, until enactment of Public Law 101-449 in 1990, the National Park Service had no explicit authorization to conduct capital repairs of the building.

Public Law 101-449 authorized \$30,512,000 for the repair of the structure. Starting in Fiscal Year 1991, the President's budget request, consistent with the authorization, included funds for the repair of exterior marble, mechanical systems, deferred maintenance projects and accessibility.

The National Park Service, Department of the Interior and the Kennedy Center Board and staff, concurred that the needs of the building and the immediate site could best be addressed by placing responsibility for its management with a single entity. The Center's role as the National Cultural Center clearly indicates where that responsibility should rest.

Although the John F. Kennedy Center will be removed from the National Park System, it will remain a memorial to the 35th President. The National Park Service will stand ready to assist in the preservation and also in the visitor's services program. And, we encourage the Board to draw upon the expertise of the National Park Service in these endeavors.

Mr. Chairman, this concludes our formal testimony. And, we will be more than happy to respond to any questions or concerns that you may have relative to our support of the enactment of this bill that is before this Subcommittee.

Mr. VENTO. Thank you, Director Stanton. We are pleased to welcome Mr. James Wolfensohn.

And, you might want to introduce those who are accompanying you if you would choose to do so. Mr. Wolfensohn.

Mr. STANTON. If I may introduce at this time, before Mr. Wolfensohn introduces his staff, I do have with me Mr. John Durand, who is the National Park Service Manager for the Kennedy Center; Ms. Dottie Marshall, who is the Regional Budget Officer for the National Capital Region; and Mr. Jim Kirkman, who is our Project Manager for the plan and construction activities currently underway at the Kennedy Center.

Thank you again, Mr. Chairman.

Mr. VENTO. Thank you, Mr. Director. Mr. Wolfensohn.

#### STATEMENT OF JAMES D. WOLFENSOHN

Mr. WOLFENSOHN. Thank you very much, Mr. Chairman. And, I am very happy to introduce my colleagues that are with me.

President Larry Wilker, Jerry Otremba, who is concerned with congressional relations; and, our counsel, William Becker, along with some other colleagues who may be available for any special questions that you may have.

Mr. Chairman, I appreciate that my full testimony has been read into the record. And, in view of the opening statement by Mr. Stanton and your own statement, perhaps I could just focus on the three points which you raised as being central to this hearing which, as you say, transfers the responsibility from the Park Service to the Kennedy Center.

And, I believe, sir, in the statement which you read, you focus in this hearing on the reasons for the separation, the procedures that might be involved and after the transition of the Center and public grounds are operated in a manner fitting to the status of the National Memorial. If those are the three questions, sir, that I think you are concerned with, maybe I can jump directly to those.

Now, the first question; the reasons for the proposed separation, I think that in the last years we may have brought these rather forcibly to your attention and have discussed them with our colleagues at Interior and Park Service. They are really very simple.

We have a complicated enterprise to run, four million visitors a year, highly complex in terms both of what goes on inside and what goes on outside when people arrive at the Center and traffic flows, complicated in terms of the coordination of repairs and maintenance and of capital expenditures. And, we have had in the recent years, I think, the very best of good will with the Park Service and have benefited greatly from what they have had to contribute.

But, I think both of us have recognized that having two bosses in terms of trying to run a Center of this complexity doesn't make a lot of sense. And, just as an example, sir, I come to the Congress in both authorization of appropriation hearings. I make a passionate case for what it is that we can do.

Funds flow then to the Department of Interior and the Park Service. And, I have no longer any authority or responsibility for them.

So, in a curious way, I am held accountable for what is going on at the Kennedy Center when, in fact, the payment of those monies is to the Department of Interior and the carrying out of the activities of this with the Park Service. We have done, I think, very well in trying to work together.

But, it is our united view, as Director Stanton put to you, that it would be better to have one boss that you can hold absolutely accountable. If you give us money and we do well with it and if we administer the Center well, we would hope that you would congratulate us. And, if we do poorly, we hope you would kick us.

And, that is what we are trying to do, to have a single and unified management. So, that, in brief, sir, are the reasons.

The procedures that are involved, I think, we have looked into very carefully. We would seek to transfer 55 full time equivalent employees across to the Kennedy Center.

They would go with their same grade, seniority and benefits to the Kennedy Center. They would be given the opportunity, within a period of three years, to return to the Park Service if they find their new environment not to their liking.

I should tell you, on a human level, we have already had meetings, a number of meetings, with members of the Park Service. And, President Wilker and I strongly believe that there is a very good spirit in terms of the transfer.

There is a sense of building a team. There is a sense of working within the framework of the Kennedy Center.

And, I think I can say to you in human terms that we have had a very good reaction from the members of the Kennedy Center family in terms of coming across to us. That's not surprising to us, because we have been given enormous support by these people 365 days a year for a very long time.

And, it would be our hope that we can treat them with the same sensitivity and quality of life that they have had in the Park Service.

The Park Police is a different situation. They will, of course, remain employees of the Park Police.

But, it would be our intention to look after the whole issues of security and response that is required of the Park Police by having a separate force that could deal with those matters such as lost and found and other matters that do not require Park Police service within the framework of our own employees but that we would contract with the Park Police for their response on those items where the Park Police would be concerned. We've had discussions there.

And, I believe that that will work. And, this is in accord with the wishes of the Park Police Administration themselves who have need for the Park Police throughout the District and in other areas.

I should add just on procedures that in relation to contracts, in relation to ongoing responsibilities, in relation to undertakings that have been given by the Park Service for repairs and maintenance, we would assume those responsibilities. So, I believe that that transfer would be seamless.

And, those discussions have already started to see how that could be done before October the 1st of 1995. We will, of course, adhere to all of the federal procurement regulations and conduct ourselves as a federal entity in that regard.

And, finally, Mr. Chairman, on the question of how we would operate the grounds as a Center in a manner fitting, as you put it, the status of a National Memorial, I would say to you that we have done that for over 20 years. And, I don't believe we have had any problems.

As individuals, Mr. Wilker and I and our team are at the Kennedy Center because we care about it. And, we want to keep it as the highest level of an operation, both in keeping with what should be a presidential memorial and should be an artistic center.

So, you have our personal assurance on that. But, in terms of keeping us honest, were we to depart from that, we do have a Board of 30 presidentially-appointed Directors plus 15 from the Executive Branch, one of whom is, of course, the Director of the Park Service.

And, all I can say to you, sir, is that it would be our intention to adhere to the basis on which we have run the place before now. There is no question of us changing the physical appearances on the outside of the building.

For that, we would have to, in fact, go before the National Capitol Planning Commission and the Commission on Fine Arts. Were funds involved, we would have to come back to the authorization Appropriations Committee.

So, I can only assure you that, in the first, place we wouldn't do it. But, secondly, if we did, we believe that there are layers of supervision that would ensure that we conducted ourselves to the highest standard.

Mr. Chairman, I believe this legislation is in the interest of our nation. And, I believe that it is efficient and will be economic.

And, I hope very much that this Committee will deem it so.

[Prepared statement of Mr. Wolfensohn follows:]

**TESTIMONY BY JAMES D. WOLFENSOHN, CHAIRMAN**

**THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS**

**BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES**

**SUBCOMMITTEE ON NATIONAL PARKS, FORESTS,**

**& PUBLIC LANDS**

**Thursday, April 14, 1994 at 10:00 a.m.**

**Accompanied by:**

**Lawrence J. Wilker, President**

**William Becker, General Counsel**

**Clifton Jeter, Chief Financial Officer**

**Geraldine Otremba, Associate Managing Director/ Government Liaison**

**David Slingerland, Director of Design and Construction**

**Beth Newbold, Director of Building Services**

Mr. Chairman and Members of the Subcommittee, I am James Wolfensohn, chairman of the Kennedy Center. With the Chairman's permission, I would like to make my full testimony available for the record and to acknowledge my management colleagues from the Kennedy Center. I am delighted at the opportunity to appear before you today with the National Park Service.

In my previous appearance before this subcommittee, I brought before you the issues that have led us to where we are today. In 1992 I asked the Subcommittee to consider the issues of authority and responsibility for the upkeep and repair of the Kennedy Center. At that time, the Subcommittee had before it a proposal that would have divided the authority for building functions between the National Park Service and the Kennedy Center. That proposal did not receive final consideration before Congress adjourned.

In 1993, with the new Administration's support and encouragement, the Kennedy Center, the National Park Service, and the Office of Management and Budget took a fresh look at the issues and have agreed on the transfer of authority and responsibility for maintenance, security, and repairs to the Kennedy Center Board of Trustees. Our discussions over many months to clarify responsibilities against the backdrop of the building's need for immediate and coordinated annual maintenance and capital repair crystallized the need for effective and coordinated overall management of the facility -- a conclusion that is consistent with the General Accounting Office's February 1993 report.

The Administration's final review of our deliberations resulted in the two bills submitted by the Department of the Interior -- H. R. 3567 and S. 1717 -- and the President's 1995 budget request. I am particularly pleased that both Chairman Vento and Congressman Duncan agreed to co-sponsor H.R. 3567 upon introduction. The bill before you centralizes and transfers responsibility for annual maintenance and capital repairs from the Department of the Interior to the Board of Trustees, which is ultimately responsible for this living memorial. The bill allows the Center to balance the schedules and requirements of a complex maintenance and repair program with the operational requirements of a performing arts institution, dependent on ticket receipts and private contributions, that also serves as a destination point for millions of tourists.

Mr. Chairman, I know that I have expressed to you my personal conviction that the Chairman of the Kennedy Center must have appropriate accountability and responsibility in the Board's relationship with the Congress and the Executive Branch. A five-year authorization as requested will give the Board of Trustees control and responsibility for the expenditure of funds appropriated for the Center by Congress and increase the operational efficiency of the Center for its four million annual visitors. The Kennedy Center will follow fully all pertinent federal statutes, regulations, and guidelines with regard to the expenditure of appropriated funds.

Before I summarize for you the basic changes included in the bill before you, let me tell you that the legislation affirms the fundamental mission of the nation's living memorial to President Kennedy, and it also leaves unchanged the following:

- The Board of Trustees will continue to be responsible for the overall administration of the Kennedy Center. Our status as an independent bureau of the Smithsonian Institution -- a status dating from the inception of the Center in 1958 -- will not change.

- The performing arts mission of the Center continues but the bill before you more clearly articulates our responsibilities as the Nation's Center for the Performing Arts. These activities are reflected in the Center's FY93 \$74 million operating budget, which will continue to be funded predominantly by ticket sales and annual grants and contributions. Even in a difficult economy, the Center raises an average of \$15 - \$16 million in grants and contributions. I would like to submit for the record our annual audit and report of programming activity for FY93.

- Similarly, H. R. 3567 more clearly defines the Kennedy Center's educational purpose, both our model programs around the nation and in the greater Washington, D.C. area. We extend significant outreach into the local community of 14 school districts but, most particularly, in the District of Columbia schools. I would like to submit for the record a full report of

our entire Education Program but highlight here several programs of possible special interest to the members of this Subcommittee.

1. The Kennedy Center is pilot-testing the first portion of the information superhighway to be devoted to the arts; we call it **ArtsEdge**. It will allow teachers, parents, and community arts organizations around the country to find and emulate effective classroom practices in arts education.

2. The Kennedy Center has created American Residencies for the National Symphony Orchestra. Recently, 110 musicians conducted more than 175 performances, educational events, and training opportunities for children, their teachers, and families across the state of Louisiana. Last year, we pioneered this program in Alaska.

3. The Arts Enterprise Zone brings the resources of the Kennedy Center, the Levine School of Music, the Washington Parent Group Fund, and the Washington Performing Arts Society to five D.C. public schools -- from elementary through senior high school -- to contribute to a learning environment that fosters positive student development. Principals of the schools that participate in the program have seen the tangible results in their students' attendance, motivation to excel in all areas of school, increased enthusiasm by their teachers, and greater parent participation in the life of the schools.

4. On a national scale, Kennedy Center offers the Performing Arts Centers and Schools Partnership, designed to expand educational partnerships between performing arts institutions and school systems. You will recall, Mr. Chairman, that you were visited last year by members of the St. Paul team. Such partnerships will be critical if schools around the nation are successfully to strive to meet the National Education Goals for achieving world-class standards in the arts. We have just completed our first nationwide gathering of teams selected since 1991 to participate in this program: 37 partnership teams in 31 states that have created more than 400 new programs for teachers in their communities.

Let me now return to the bill before you to highlight what will change under the proposed legislation:

- Responsibility for operations, maintenance, repair, security, and interpretation of the Kennedy Center building and its theaters will be transferred from the Department of the Interior to the Kennedy Center Board of Trustees. The Board and its management will be responsible and directly accountable to the Congress and the Executive Branch. The current inefficient dual management of maintenance, repair, cleaning, and other building functions will be unified under the single management of the Board of Trustees, responsible to the Executive Branch and the Congress for the receipt and expenditure of federal funds.

- Responsibility for planning, design, and construction of future capital repairs will be transferred from the Department of the Interior to the Board of Trustees. While we have been able to learn much helpful information from the studies that have been undertaken by NPS since 1991, we will be assuming responsibility for the creation of a Comprehensive Master Plan to guide and inform future repair needs. **What will remain absolutely unchanged for all work undertaken with appropriated funds is strict adherence to federal procurement, contracting, auditing, and reporting requirements.**

- Existing property, liabilities, contracts, records, unexpended balance of appropriations, and authorizations entrusted currently to NPS for operation of the Kennedy Center building and other Center functions will be transferred to the Center's Board of Trustees on or before October 1, 1995. Repair contracts entered into by the Park Service will be transferred to the Board of Trustees, as will collective bargaining agreements covering transferred employees.

- The loyal employees who have worked for the National Park Service at Kennedy Center will continue to be responsible for duties related to functions the Board will assume, and will retain their rights, benefits, and seniority provided under title 5 of the United States Code.

There are 55 FTEs that are proposed for transfer in the 1995

budget request approved and forwarded by the President to the Congress. We sincerely hope that these 55 employees choose to transfer and become employees of Kennedy Center. Should they choose to do so, and as a further protection, these employees will retain their seniority and right to transfer back to available positions within the Department of the Interior for three years. I would like to submit for the record an organizational chart of the employees that the bill would transfer to the Kennedy Center.

United States Park Police and NPS security guards on assignment at the Kennedy Center will remain employees of the National Park Service.

I want to take a moment to comment upon the loyalty and dedication of the NPS staff assigned to Kennedy Center -- managers, electricians, plumbers, locksmiths, groundskeepers, a park ranger -- many of whom have made the Kennedy Center their place of employment virtually since the building's opening, and some of whom initially worked for the Kennedy Center before the National Park Service assumed responsibility for building functions in 1972. The Kennedy Center is an enormous, complex facility that is staffed 24 hours per day, 365 days per year. As the facility has aged and its systems deteriorated, more and more has been asked of the maintenance and operations staff. It is my hope that the potential for a single, unified management will assist the efficient operation of this workforce.

- Finally, a change will be made in the terms of the Kennedy Center's 30 board members, appointed by the President of the United States, with a decrease in a Board term from 10 years to 6. This change, as proposed by the Administration, will allow the flexibility to bring future appointments more into line with our need to continually expand private fundraising to support the Kennedy Center's performing arts responsibilities.

Mr. Chairman, in order to approach the task of preparing a Comprehensive Master Plan in a business-like fashion and to lay out for the Subcommittee in the years ahead the priorities for repair, we are requesting a five-year authorization of \$12.0 million annually for operations and maintenance and \$9.0 million annually for capital repair.

Mr. Chairman, you and members of the Subcommittee have the Administration's authorizing amendments for the Kennedy Center before you. The President's 1995 budget request for the Center represents a modest decrease from the overall funding level of previous years. It is a request that Kennedy Center management considers essential to protect this invaluable federal facility. The legislation will provide annual preventive maintenance for the entire building and establish a coherent on-going capital repair program that will not impede the performing arts operations in the building.

I have sought this change for some time because I have felt it to

be of the utmost importance that the Kennedy Center management enjoy both responsibility and accountability for the building and its theaters, as well as its performing arts and education activities. We will submit our plans to Congress on an annual basis and be held accountable to the Legislative and Executive branches for our actions.

I would like to conclude my prepared statement at this point and answer any questions that you might have.

Mr. VENTO. Thank you, Mr. Wolfensohn, for your response to my concerns and the testimony.

Actually, in the 20 or so months since the issue was initially raised in the Congress, a measure passed the Senate, which didn't make it across the finish line in the last instance. I think that basically the solution and the questions that have been raised by myself, by yourself and others, have made a lot of progress. I think we have taken this from what was sort of an accommodation between the two responsibilities or two Directors that were responsible, the Director of the Park Service and the Chairman of the Smithsonian or of the Kennedy Board, and moved this to a better clarification.

It's a little painful for the Park Service in the sense that we don't often take things out of the Park System that are in the Park System. This simply goes against the grain and especially when we are dealing with something as prized as a memorial to the beloved President John Kennedy.

And, so I know it has been difficult in that particular sense. I don't know what the purposes were or what the circumstances were when this relationship was established, but I think there is a great deal of concern about the Memorial and some of the aspects of being maintained.

I know that that's a significant concern in terms of what our interests and the Park Service interests are in this matter.

A couple of questions to Director Stanton, I think, are in order here. One is concerned with the Park Police.

And, they now maintain a presence at the Center. And, under this legislation or proposal, Director Stanton, do you anticipate that they would continue at the Center.

What is your expectation? Or, what are the range of possibilities here?

Mr. STANTON. The bill, if enacted into law, Mr. Chairman, would provide authority for the Kennedy Center Board of Trustees to enter into a cooperative agreement with the National Park Service for the services of the U.S. Park Police. It would be on a reimbursable basis, in that the appropriation, perhaps beginning in fiscal year 1995, will be made directly to the Center.

We have had preliminary discussions with Mr. Wolfensohn and Mr. Wilker and others, and Chief Lankston, who is the Chief of the U.S. Park Police. And, I anticipate having follow-up discussions to talk about some what-ifs in the transition.

But, it could be several scenarios. One is that the level of police services that are currently provided in terms of sworn officers, guards and what have you, could be the level of services that would be requested under a cooperative agreement. Should that be the case, then we will be supportive of that.

If there is some modification of what is currently provided there, we would look at it from a negotiation standpoint. But, again, the legislation would fully authorize the Center to procure law enforcement services from the U.S. Park Police.

Mr. VENTO. Or to have alternatives to do that.

Mr. STANTON. Or to have alternatives, as vested in the legislation. That is correct.

Mr. VENTO. The range is infinite based on what services that they draw or agree to utilize. There are some physical facilities that accommodate the law enforcement personnel, the Park personnel, at the Center today.

What are the nature of those facilities, Mr. Stanton?

Mr. STANTON. Yes. We have administrative spaces dedicated to the U.S. Park Police, as well as for Mr. Durand's immediate staff.

And, of course, we have, you know, communication networks, security measures, and what have you that are controlled by the U.S. Park Police. Depending again on what's requested by the Center under the legislation, those kinds of equipment and office support requirements could remain in place or they could be reallocated to other security entities should that be the wishes of the Center.

Mr. VENTO. My understanding of the legislation is that—and I don't know about the communication devices—some of the security equipment and others would be transferred to the Kennedy Center, irrespective of whether or not the Park Service were to have an agreement.

Mr. STANTON. That is correct. We are in the process now as sort of a transition—and, again developing some what-ifs. We do not want to be presumptuous that the legislation would be enacted.

But, we are preparing plans so that if the bill is enacted into law, then certain steps would be taken. One, first, is to inventory all of the property that has been acquired, including equipment, against the funds appropriated directly to the Kennedy Center.

And, it's my interpretation, Mr. Chairman, that if the equipment was purchased against the Kennedy Center appropriations, then those, the equipment, supplies, material, what have you, should be transferred to the Kennedy Center to continue that level of operation.

Mr. VENTO. Mr. Wolfensohn, any comments on this? I think that you essentially agree with what Director Stanton has stated here, I assume.

Mr. WOLFENSOHN. I do, Mr. Chairman.

Mr. VENTO. Yes. So, I could have asked you sort of the same questions.

But, you are going to enter into a negotiation and perhaps utilize the Park Police or other alternatives; is that correct?

Mr. WOLFENSOHN. That's correct, Mr. Chairman.

Chairman VENTO. What are other plans for maintaining the Center as a memorial to President Kennedy, Mr. Wolfensohn? This really will be up to you.

The Park Service Director apparently will serve on the Kennedy Center Board. He will be one of, I guess—how many members will be on the Board now based on this legislation?

Mr. WOLFENSOHN. I think there are currently 30 plus 15. And, I think they are suggesting another four might be added to the Board, Mr. Chairman.

Mr. VENTO. So, about 49; is that—

Mr. WOLFENSOHN. That's correct, sir.

Mr. VENTO. I want the record to show that this committee had nothing to do with the size of this particular Board. We have a bias against making any Boards larger than our Committee, Mr. Wolfensohn. [Laughter.]

Mr. WOLFENSOHN. Mr. Chairman, perhaps you could have permanent authority over the Kennedy Center in that case. [Laughter.]

Mr. VENTO. Well, I know there are many and multiple reasons for such membership. Some members of Congress apparently feel that since they are reduced in terms of the number of subcommittees they can have, they need additional work.

I have never been motivated by that particular factor. I always felt like there was enough for me to do.

But, in any case, we are going to let our other sister committees in the Congress decide their own workload in terms of that. And, I know there are other bases for drawing a cross section of strength in terms of development projects that might be necessary.

Mr. Wolfensohn, do you anticipate that the Kennedy Center personnel will perform all the current National Park Service functions? And, generally, what about maintaining the Center as a memorial? Let's start with that first, if I may.

Mr. WOLFENSOHN. Mr. Chairman, let me start with that. I really do believe, sir, that the people that work at the Kennedy Center, me included, have the same values, have the highest values in terms of representing the institution as a memorial to the late President.

It is not our intention to turn this into some sort of fun park or theme park or commercial enterprise. We are there because we care about having a national performing arts center of the highest quality.

So that our motives and our intent and our record, I think, speak for it. I, myself, sir, without a Board of 49 and without congressional oversight, rebuilt Carnegie Hall to the highest standards. I believe that's recognized in terms of the money we raised and how we restored and reconstructed it.

So, I'm not going to change. And, my colleagues are not going to change.

But, I suppose you could ask the question, if we did change what is it that would try and stop us. So, the first answer to your question is, sir, that we will do it because that's what we believe in. We have done it for a number of years. And, we will continue to do it.

As to checks and balances, if we go crazy, there are many. First of all, there is a Board of 49. And, they are representatives appointed both by the President and by the Congress and by the administration.

We have to go back to that Board if we are going to do something. And, this being the town that it is, if you step out of line, it has been my experience in four years, that pressures come to bear in a multitude of ways.

And, my guess is that with a Board of that size, we couldn't get far out of line. So, that's the second level that I would put to you.

And, the third level is that if there are any physical changes, we can't really make them without the approval of oversight committees. And, in that context, we have the Planning Commission. We have the Commission on Fine Arts.

And, then, of course, if we need to spend the money, we have the appropriations and authorization committee. I have never known

anything that has more levels of supervision in my life than the Kennedy Center.

And, I would really say to you that I think the fears that we are going to do something foolish shouldn't keep you awake at night.

Mr. VENTO. No, I wouldn't stay awake at night. You know, I deal with the tangible and real.

I think that it's true, that some of the funds that you receive are appropriated. Of course, we generally hope that through your endeavors and enterprise that, in fact, there would be less of a lifeline of support here and more from the private sector support for the projects, although I know that's increasingly difficult.

And, we wouldn't want the entire temper of the Kennedy Center based on simply a private fundraising endeavor. I think there is a public purpose and necessity, at least, to demonstrate support which is not adequate to the arts in this nation based on the contributions and the importance to our culture.

But, one of the areas we get into—and in the past even the Park Service has slipped up in terms of some of the activities that go on within parks in terms of fundraising activities and, to be certain, there have been differences of opinion at the Kennedy Center with regards to exactly this point. And, I can't get in the role of sitting in judgment.

You are going to have to do that. Within the context of fundraising and the facility and utilization of it, it has an affect.

For instance, taking a different attack, when there was an effort by a private foundation to raise money for the Statue of Liberty, they thought it was appropriate to take the torch and put it on a float and parade it through various communities. That was considered inappropriate by the Park Service.

They attempted to stop that sort of activity. I don't know if they did it perfectly. But, at least the issue was raised and attempted to be resolved.

I don't pretend to know all these rules. I don't think that they are all written down.

And, I just was interested because, as we look at this as a memorial, what is appropriate? What does the Smithsonian do?

Are there guidelines in terms of fundraising here that could give comfort to those policymakers that are putting this responsibility into that court, Mr. Wolfensohn?

Mr. WOLFENSOHN. We would propose, Mr. Chairman, to adhere to the procedures that we've had up to now. I think you raise a good point, that maybe we should codify them and present them to the Board so that they are clear to the Board and are, in fact, absorbed in the way that they have been, up to now, administered with the Park Service.

In my four years here, I think we've had but one example of a concern. And, that related to whether an automobile could be parked outside.

And, we came up with the lubricious conclusion that it could be parked in the lobby of the theater but not outside. And, I hope that we can do away with that sort of resolution.

I think good sense has to prevail, Mr. Chairman. And, I can just assure you that, firstly, we will go to the Board with a list, as best we can put it down, of guidelines.

I believe that's understood now. But, I think the suggestion that we go with those guidelines is a sensible one.

The second thing is, I really hope that you can trust the good taste and judgment of the people that are there. I mean, I am here because I believe in the National Memorial.

And, I am not going to start putting signs for soft drinks or cigarettes outside in order to get a couple of thousand dollars for a program inside the Kennedy Center. The way in which we have done it up to now has been extraordinarily modest.

We give, generally, attributions in the program. And, we have really very modest and discreet signs saying that such and such performance has been supported by a company.

There have been no lavish displays. We would not propose to have those.

We would propose to operate as we have up to now, much like, I suppose, public television operates; that you give a small recognition. And, that's understood, that within the context of the Kennedy Center you should do that.

I might add, Mr. Chairman, that even in a place like Carnegie Hall, which has no government funding, that same procedure is followed. And, I think in the arts, that's really quite understood.

And, it would be our intention to continue in that way.

Mr. VENTO. Well, I appreciate that. And, I think there has been a tendency, even with public radio and television, to incorporate longer identification messages.

Mr. WOLFENSOHN. I know that. [Laughter.]

Mr. VENTO. So, it's not a fixed frame. But, I think that it is of concern simply because, at least, in the case of the Park Service generally they have been a countervailing force or, at least, some sort of force.

Maybe bureaucratically we ended up with a compromise that was acceptable or, at least, had worse consequences. And, I'm sure, though, that once you end up making the rules, they end up having some sort of unintended consequences.

And, I expect that that is what we are talking about here. But, at least, they were able to refrain from some other activity in different locations.

But, it is true. And, of course I don't doubt that the 49, sometimes near 49, people where everyone is responsible, nobody is responsible.

And, I think that it really falls to the Chairman, to the leaders such as yourself, Mr. Wolfensohn, and, once in a while we slip up on these things. I know that I've made mistakes. I'm sure you would recognize some of your own in hindsight.

But, I wanted to state that it was a concern. I think that looking to the Park Service guidelines, however, where they are appropriate or to the Smithsonian, which I note that almost each institute of the Smithsonian now is in the development or fundraising type of activity.

Do you have a shop inside of the existing Kennedy Center today, Mr. Stanton?

Mr. STANTON. Yes.

Mr. WOLFENSOHN. Mr. Chairman, I would just like to comment on that in relation to the funding. That was an example where we privately funded it.

Mr. VENTO. Yes.

Mr. WOLFENSOHN. And, we went out a couple of years ago and raised the money privately. We put in what I think everyone regards as extraordinarily tasteful shops, two of them.

And, they have paid themselves off. We borrowed the money. And, they have paid themselves off by extra profits within the space of two years or just about done so.

We put them in in eight months. And, I must tell you that in that decision, we took that to the Board. We discussed the style of these operations just as though it were going into our own home.

And, I believe that you can count on us for that. But, sir, I think you raise a very good point.

We remain, of course, a division of the Smithsonian. And, so we will follow those procedures.

But, I will set up a special committee of the Board, when and if this goes through, so that not 49 people can be responsible but a designated group can be responsible to give us guidance.

Mr. VENTO. Well, of course, not each Smithsonian building itself is a memorial. So, you have, I think, a qualitative difference here in terms of a mission that is not similar to the other Smithsonian buildings.

And, so it is, I think, something to be reconciled in terms of what is and isn't appropriate that may or may not be done in terms of having public restaurant facilities and other accommodations, although I know that there are some facilities at the Kennedy Center now. But, I think whether you have cafeteria spaces, how much or how far you go, well, these are the nuts and bolts. But, they have to be viewed against that particular backdrop.

I note that one of the issues that has come up, while we have settled, I think, in black and white the building facility and the control of it and most of the others and, of course, we have these questions about the Memorial which, I think, we are all concerned about, I think that a great sensitivity has been shown about that. And, I would hope that we could resolve the other area that is gray.

And, that is, of course, the grounds around the Kennedy Center. And, that has been of concern.

It's a concern for a number of reasons. And, one is principally that it is contiguous with Rock Creek Park, which is a park, and with the Potomac Parkway, which is a parkway run by the Park Service, and other roads and structures around there which are integral to the Capital approach and to the traffic flow.

There are some traffic flow issues like Whitehurst, I understand, which I assume is under the control of the City. And, so I don't know all the jurisdiction.

But, this has been an area where there is obviously a request, and has been. I note the legislation introduced by Mr. Mineta and presented to me had this particular agreement in it as to what the footprint would be in terms of land and how that land would be under the direction of the Kennedy Board and the Kennedy Center and the transfer, about which concerns have arisen as to what hap-

pens with that and what the purpose of that is and how that would be maintained.

So, I asked the question and the answer I got back was what do we do with the other Smithsonian institutes on the Mall, as an example? Do they have and control a significant amount of land around them?

And, the answer that I received back is they control the land up to the sidewalk. And, then after that it's a Park Service responsibility.

So, I am interested in this issue. I know that there may be some different problems here that exist.

Mr. Wolfensohn, are you aware of any different treatment of the Smithsonian buildings on the Mall, for instance, in terms of the land?

That's my understanding. Is that your understanding as well?

Mr. WOLFENSOHN. It is, sir. I must say that I have not looked into it.

I would say that in the Kennedy Center, there is a different problem and that is the traffic problem of access and egress at peak time, which can determine really the whole enjoyment or lack of enjoyment of the experience of going to the Kennedy Center.

Mr. VENTO. Oh, I agree with that.

Mr. WOLFENSOHN. And, that is the area that I am most deeply concerned about, because unless we can solve that traffic problem and really maintain that unified control, I think we would be in serious trouble. So, I would ask you, in your consideration, to give thought to what is the footprint for which we are responsible.

Mr. VENTO. Well, it's a question of how much of the road—since the parkways, the Potomac Parkway and Rock Creek Park, I suppose that the Park Service at any given moment at some point, a half mile down the road, decided to do the wrong thing that it would have the same effect as doing it somewhat closer, perhaps not the same effect but, you know, again it would have a problem. So, the direction of traffic by the Park Service, of course, not balanced on a daily basis but sometimes on a regular basis—well, it is on a daily basis in terms of changing the whole direction of Rock Creek Parkway.

As far as I know, it's the Park Service that is out there putting up the barricades and guiding people. So, this is a daily function; is it not, Mr. Stanton?

Mr. STANTON. That is correct, Mr. Chairman.

Mr. VENTO. And, we haven't lost any Park Police, have we?

Mr. STANTON. No, we have not.

Mr. VENTO. They do a pretty good job of that.

Mr. STANTON. Very much so.

Mr. VENTO. So, I think that eventually it has to be coordinated either close or a little further out with the Park Service. So, that's a concern.

So, trying to get the proper footprint here, I think, and then talking about the maintenance is something we want to deal with. Certainly, I understand that some of the parking facilities that are under the Kennedy Center obviously extend to what would appear to be the grounds around the Kennedy Center; is that right, Mr. Wolfensohn?

Mr. WOLFENSOHN. Yes, sir. And, in fact, to a substantial degree. And, we can provide you, and I think it has been shown to you, the extent to which underneath what appears to be park land are, in fact, garages and work space and engineering space that are an integral part of the Kennedy Center.

Mr. VENTO. The mechanical plants.

Mr. WOLFENSOHN. That's correct, sir.

Mr. VENTO. Well, we will take a look at that. Clearly, I think the concern that we have here is for any type of change in terms of surface occupancy which provides you with the view sheds.

And, of course, this surface area is extremely valuable, as land goes, both in terms of open space because of the view shed and the perspective of building and because of the view sheds from the river and to the river from that particular area. So, these are all sort of common values.

Mr. Stanton, did you want to say something?

Mr. STANTON. Yes. With respect to your description of our relationship with the Smithsonian Museums on the National Mall, if you will, your description is correct.

The Smithsonian management and maintenance staff maintains the grounds up to the sidewalk. And, then we maintain the balance of the National Mall.

With respect to the transfer of the real estate, if you will, as a part of this legislation, it's anticipated that it be the original 17 acres dedicated to the Kennedy Center. Because of the proximity of the Potomac Parkway and Rock Creek Parkway and some of the other areas under Park Service jurisdiction, we have extended the landscaping, if you will.

But, the actual legislation would require the transfer of 17 acres and not the Potomac Parkway or a portion of Rock Creek Park.

Mr. VENTO. I think we are looking for results here in terms of we don't want to get into a turf war, so to speak, over this. But, we are looking at the same consequence, I think, in terms of what happens.

Mr. STANTON. And, it would have to obviously be very close coordination similar to how we manage certain access towards the Mall as it relates to the Smithsonian Museum or the U.S. Holocaust Museum. There has to be close coordination between those other entities, the National Park Service and the Metropolitan Police, in terms of the traffic.

Mr. VENTO. Even though there are some structures under the surface in terms of where the Park Service has jurisdiction and control—

Mr. STANTON. Right.

Chairman VENTO [continuing]. Even though there are structures in the Mall, the Park Service still has surface control; is that correct?

Mr. STANTON. That is correct.

Mr. VENTO. This is a very complicated issue. For instance, I remember writing to the Smithsonian and to the Park Service for permits that were issued which were effecting the health of a grove of elm trees—

Mr. STANTON. That is correct.

Chairman VENTO [continuing]. On the Mall. You probably remember that.

Mr. STANTON. Very well, Mr. Chairman.

Mr. VENTO. You know, we wanted to get into some of the stress on those American and red elm that were there, that were old growth elm on the Mall.

Mr. STANTON. I think we have made tremendous progress with your direction and encouragement in working out better use plans with the Smithsonian.

Mr. VENTO. You know, we are losing a lot of trees in this area. And, we are getting a lot of what we call trash trees or less desirable species in the area.

And, this is just like one of the little problems that happens to come up that people have concern about. So, we had a conflict with the American Folk Life Festival where they were really having a tremendously negative impact on those, I guess it was elms; that's correct, wasn't it?

Mr. STANTON. Elms, American elms, that's correct.

Mr. VENTO. Those that survived the Dutch elm disease were not really surviving the love—they were being loved to death, I guess, as the phrase may be.

Mr. STANTON. Yes.

Mr. VENTO. So, we want to try and resolve that. I think the question really gets to, are there any plans that either you, Mr. Stanton, Director Stanton, or Chairman Wolfensohn, know for any change in surface occupancy on this area other than a modification? I know that there is a modification of the park facility.

But, what changes do you foresee in terms of surface occupancy that are either now anticipated or being considered or planned?

Mr. STANTON. There are no major or permanent changes that were envisioned by the National Park Service. We did allocate some of the open space to temporary parking to accommodate the construction of the garage. And, that was with the concurrence of the National Capitol Planning Commission, Fine Arts and others.

There has been a proposal that has surfaced, I guess, over the past few years about providing some type of an approach to the Kennedy Center from the river. That would be on the west side.

That has just been a proposal that has surfaced again on several occasions. It has no formal endorsement.

Mr. VENTO. You are talking about a pedestrian approach?

Mr. STANTON. Yes, from the walkway as well as maybe from a docking of a boat on the Potomac River.

Mr. VENTO. A boat there?

Mr. STANTON. Yes. I mean, that is sort of a schematic that I've seen.

Mr. VENTO. Where did that emanate from, Mr. Stanton?

Mr. STANTON. I believe from a private architect.

Mr. VENTO. Well, we can't stop people from thinking.

Mr. STANTON. We sure cannot, sir. [Laughter.]

Mr. VENTO. Mr. Wolfensohn.

Mr. WOLFENSOHN. I have had a look at that recently, Mr. Chairman. And, first of all, it's costly. And, it's not on our program at the present time.

But, it's an interesting suggestion that you could allow people to park in Georgetown, Georgetown Harbor, and walk along the walkway and then come up some stairs to the front of the Kennedy Center on the river frontage. That could be a very attractive idea, which I am looking at for one other practical reason, which is that in terms of safety and security in the event of fire, one of the problems is that people will be pushed out on to the front part of the building. And, then there is no egress for them.

Whereas, if there were a way down the steps, that would improve the security of the building. So far as we are concerned at the moment, I've looked at this thing a couple of times in four years. It is in the dream stage, I would put it, at this moment.

But, if you asked, what are the things that are being considered in a very, very low key way, that is one of the ideas that is being floated. There was, a long time ago, an idea in relation—which I think went to the National Capitol Planning Commission in relation to an extension of the parking underground. But, the cost of that, I think, is so extensive that much as I would like it, I think it's beyond our current expectations.

Those are the only two things I know of that have surfaced in recent years.

Mr. VENTO. The footprint does include the river front; is that correct?

Mr. WOLFENSOHN. No.

Mr. VENTO. It does not include the river front?

Mr. WOLFENSOHN. No. Anything that was done on that—

Mr. VENTO. Oh, I see. So, it ends at the parkway line, the Potomac Parkway line. So, anything that would happen—

Mr. WOLFENSOHN. And, we would come back to this committee, sir.

Mr. VENTO. You wouldn't want to take care of the Parkway, I guess? [Laughter.]

Mr. WOLFENSOHN. That's not part of our current proposal.

Mr. VENTO. But, there are a lot of other roadways and so forth on there that apparently—I don't know if all the roadways are on the footprint that I received. Actually I think this was the map that—you are familiar with the map?

Mr. WOLFENSOHN. Yes, sir.

Mr. VENTO. Do you need to see it further? But, it does include a lot of roadways and other on the footprint as well.

Now, the roadways on there—are they all private roadways, then, associated with the Kennedy Center or are they part of parkways?

Mr. STANTON. There are two small roadways that lead into the Kennedy Center and out of the Kennedy Center, if you will.

Mr. VENTO. Well, no, I note those. But, I note the other roadways that are shown on here are simply access to 66 and so forth; is that correct?

Mr. STANTON. That is correct.

Mr. VENTO. So, they are all part of—

Mr. STANTON. Some would be in the District and some would be in the National Park Service, the Potomac Parkway.

Mr. WOLFENSOHN. We have, Mr. Chairman, I believe, only those two minor access roads, which is just to—

Mr. VENTO. No, no. I am aware of those, of course.

Mr. WOLFENSOHN. We wouldn't want to claim responsibility for any of the others.

Mr. VENTO. Okay. Well, I will look carefully at this again.

For the near future, Mr. Wolfensohn, you mentioned the extension of parking. Could you comment on the capacity of parking at the site and what—you have no plans to expand it other than the repair of existing facilities, which does not expand the facility.

Parking has really been one of the limiting factors in terms of the utilization of the theaters; is that correct or not?

Mr. WOLFENSOHN. Parking, Mr. Chairman, is a terrible problem. And, if you come, as someone who wants to attend the Center, and you happen to be on the 8 o'clock or 8:30 start, you will find that the reports that we have had done fully justify that a large number of times of the year you cannot find parking.

It has been a persistent problem with the Kennedy Center since it opened and started to get used more. We don't have any solution to that problem, Mr. Chairman, at this moment.

Earlier administrations looked at the question of having a tasteful and approved by—what is it called, by the National Capitol Planning Commission had a preliminary review under Carter Brown of a what if, what if we could do this to extend the parking. I have to say to you, quite straightforwardly, that it would be wonderful for the whole community if you could get some more parking.

But, at the moment, I don't have any solution of it. And, were there to be any parking that were introduced, it would, of course, have to come to the National Capitol Planning Commission before anything could be done.

Mr. VENTO. Well, I was struck by the problem. We recently had a rather well reported hearing on the new stadium, which was to be constructed in a park, and the decision, I guess, was not to do that.

But, the point was that, again, you know, here is a situation that I think really points out where the District and the area really ought to try to coordinate their activities to address the issue of parking so they could facilitate it. I might say, I noted and have been impressed by downtown facilities, large facilities, in Minneapolis and St. Paul where they have made common use of that parking, which makes great, good sense, because the utilization often for entertainment and for attendance at cultural events and during holidays is often at the other times when business is not being conducted.

So, it makes a perfectly compatible relationship with facilitating activities with commerce during the day and obviously cultural and other events in the evening. And, it has really served.

For instance, the example of trying to put something out here at RFK Stadium is sort of a solo use. It makes it very expensive and is not really practical, considering the value of land.

But, that's for you to work out with the City. And, the Smithsonian, I think, would also have a tremendous interest in attempting to meet the needs of people on the Mall with an adequate sort of a complex that meets and realizes what transportation needs are.

The subway hasn't done it all, although it's a very good facility in the District. People still are going to drive.

As I look at the map, it appears to me that this extension that goes to the north along the Parkway that is basically the front yard of the Watergate and some other facilities there, when we establish parkways in terms of designation, Mr. Stanton, what is the standard procedure for open space on them?

Isn't that something that is usually maintained with the parkway itself, like Rock Creek Park? This is an extension of Rock Creek Park, Potomac Park.

Mr. STANTON. Yes. There is specific legislation establishing Rock Creek and Potomac Parkways. That is a part of that designation.

And, the objective obviously, in terms of the public domain, is to maintain open shoulders up to the private property line, such as the Watergate complex there.

Mr. VENTO. There is something to be said about some of the footprint down here. But, this seems like this is an unusual extension here that goes to the north.

I would think that normally, we maintain certain types of plantings under the LBJ or the Ladybird Johnson program and so forth.

Mr. STANTON. I am advised, Mr. Chairman, that perhaps that map there is not the one that's referred to in the existing legislation. I'm not familiar personally with that map.

But, it's our intention that the Parkway would not be transferred as a part of the Kennedy Center.

Mr. VENTO. Well, this does not indicate the Parkway being transferred. I'm sorry if I have the wrong one.

This just shows the Park Service boundary. So, I don't know what is and what isn't being transferred in here.

Do we have a map that actually shows what is and what isn't proposed to be transferred?

Mr. STANTON. No, we do not. The legislation, I think, makes a general description.

But, we are further defining that.

Mr. VENTO. Well, we won't be passing anything out at the Committee. So, we are going to have to engage the map makers to talk about where the footprint ought to be.

Unless there is some overarching reason to transfer substantial amounts of area where there is a Park Service interest, I would hope that we could resolve that. It's a gray area now.

There is obviously an understanding of what had been agreed to. But, I think that my concern is not to frustrate this or to, in any way, impede the transfer and the success of the Kennedy Center but obviously in the same instance, do what is appropriate in giving the Park Service the responsibility that it should have, and does have, in many of the Mall areas with these view sheds and so forth.

Mr. STANTON. Certainly.

Mr. VENTO. We could put whatever language in that is concerned. It's, I think, not—because of the private nature and the activities and so forth here, we are concerned about activities in this open space responsibility with the river, the river front, the extensive use.

I quite agree. I think that the idea of having some sort of pedestrian access to the river—notwithstanding the great view you have from the terrace of the Kennedy Center, but having some public access—and I'm not just worried about fire security but other types of personal security that might occur in terms of tunnels and so forth, would be a consideration, but having something that really opened it up so that it would be more user friendly would be great.

Maybe some time realigning the parkway would even be important there. You know, I think it's something we should consider.

But, again, those are extensive plans. But, I'm certain that over the course of the utilization of this building that those sorts of ideas should be considered.

If there are going to be developments, if it's Park Service areas, we would obviously have to play a role. I think we have been willing and able to work on many, many measures in the District and in other areas of the country dealing with Park Service direction.

Well, I don't have a lot of questions. I think we will leave the record open if we have further questions.

Members are occupied today. I am called away to a hearing on housing measures now. We have got four Assistant Secretaries talking about some of my favorite topics.

So, unless there are further statements on the part of either of our witnesses, I appreciate their responsiveness and the continuing dialogue. I think we have made a lot of progress.

And, I hope we can resolve this successfully in the near future.

Mr. WOLFENSOHN. Thank you, Mr. Chairman.

Mr. STANTON. Thank you, Mr. Chairman, and particularly your points about the Memorial obligations that the Board will share in this legislation. And, again, I just want to reemphasize that the National Park Service will stand ready to assist in carrying out that.

And, secondly, your concern, as well as our concern, about the welfare of the employees to be transferred. And, we feel that we have a good relationship with Mr. Wolfensohn, Mr. Wilker and others to assure that that will be accomplished.

Mr. VENTO. Yes. I know that. And, I understand that the bottom line is that if there is a cooperative agreement with the Park Service Police, it will work out.

Obviously, there has to be a working relationship at some point. They are, you know, far and away the experts dealing with traffic in this community, especially with relation to the parkways, which are integral to the successful operation of the Kennedy Center.

I think the other employees and their treatment is very important. I understand that they will have an option to transfer over.

Some of the work rules and conditions, I anticipate, will change. But, I would hope there would be a fair treatment in terms of the organized employees, the unionized employees, which, of course, I have a strong commitment to ensure their fair treatment personally and philosophically.

And, so I understand that it has been worked out. I think that you have to have a certain discretion in terms of dealing with this.

But, I would hope that it would be along the lines and within the framework of the way that they have and are fairly treated. So, we will be paying attention to that as it unfolds.

I think my colleagues on the Public Works Committee have already expressed that concern.

Mr. STANTON. That's correct.

Mr. VENTO. And, I understand, too, that the procurement procedures in this are similar to other federal procurements. I have had some experience working with agencies that don't want to be agencies, like the Resolution Trust Corporation, except when they want to be agencies. And, I can tell you that it makes it very difficult in terms of their procedures and for us to hold them accountable to some activity.

So, I know that you need some flexibility. But, I would hope that we would—I think many times what appears to be flexibility sometimes saves one from embarrassment in terms of activities that go on.

So, they may be inefficient, but it says that you will avoid the Denver Service office in terms of contracting. That's both good and bad.

It's obviously very difficult to get into a situation where you've had a responsibility almost to, in a sense, de-designate, which is a word that hadn't come up. I thought that it ought to be mentioned. To de-designate is a tough thing to do.

Well, I am being called to a vote. So, I think we had better adjourn before we miss the vote.

If there are no further comments, we stand adjourned. Thank you.

[Whereupon, the hearing is adjourned at 11:00 a.m., Thursday, April 14, 1994.]











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