

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF
2003

OCTOBER 15, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3198]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 3198) to amend the John F. Kennedy
Center Act to authorize appropriations for the John F. Kennedy
Center for the Performing Arts, and for other purposes, having con-
sidered the same, report favorably thereon without amendment and
recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to authorize funding for the
John F. Kennedy Center for the Performing Arts (Kennedy Center),
authorize ongoing General Accounting Office review of construction
projects at the Kennedy Center, and create a project management
team to oversee construction of the plaza project.

BACKGROUND AND NEED FOR THE LEGISLATION

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

Established as a bureau of the Smithsonian Institution, the Kennedy Center came under the jurisdiction of the Department of Interior and was the responsibility of the National Park Service for the first 24 years of its operation. During this time, due mostly to lack of funding, the condition of the Kennedy Center's physical infrastructure was not properly monitored or maintained, such that by the early 1990's, there was a severe deterioration of many critical systems. Though established by an act of Congress, the Kennedy Center only receives federal funds for the repair and upkeep of the physical infrastructure of the building, and is required to raise private funds to support its artistic activities.

The Kennedy Center building consists of 1.5 million square feet of usable floor space, on 17 acres of land adjacent to the Potomac River, bounded by the Rock Creek Parkway on the west and Potomac Freeway to the east. The building contains eight theaters with total seating capacity of 7,100 patrons, two public restaurant facilities, a gift shop, educational facilities, meeting rooms, rehearsal space, 1,400 parking spaces, and 50,000 square feet of administrative office space. Each year the Kennedy Center attracts millions of patrons to performances of every style and type to its many stages and venues. Through its outreach and education programs, the Kennedy Center has reached over five million schoolchildren in all 50 states and the District of Columbia.

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

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

As currently drafted, the CBP envisions completion of 16 major and a number of minor capital projects. Included in this are restoration of the existing curtain wall, renovation of the motor lobby and roof terrace, a number of security improvements, ADA, fire and life safety renovations to the theaters, restrooms and office space, elevator and escalator modernization, parking and site circulation improvements, in addition to a number of other renovations to the theaters, public areas, and building systems. The Kennedy Center estimates that completion of all of the projects identified by the CBP will cost just over \$75 million for Fiscal Years 2004 through 2008.

At the request of the Subcommittee on Economic Development, Public Buildings and Emergency Management, General Accounting

Office (GAO) completed a review of the garage construction project. This project was authorized by Public Law 105–95, and was designed to address a parking shortage at the Kennedy Center caused by increased attendance at Kennedy Center performances. When originally proposed, the project was estimated to cost \$28 million. Of that \$25 million was for construction of 900–1,100 parking spaces and \$3 million for improvements to the grounds, and was to be completed by August, 2000. As of September 2003, it is estimated that the project will cost \$88 million, \$45 million for construction of 525 parking spaces and \$43 million for improvements, and will not be completed until the summer of 2004.

The GAO reviewed all aspects of this project and concluded that the Kennedy Center faces certain challenges in managing large construction projects. Yet, these challenges can be met by implementing comprehensive construction management policies and procedures, acquiring appropriately trained and experienced staff, and maintaining rigorous project management.

In response to these concerns, Mr. Young of Alaska, Mr. Oberstar, Mr. LaTourette, and Mrs. Norton introduced H.R. 3198 on September 30, 2003. This bill reauthorizes the capital program of the John F. Kennedy Center for the Performing Arts for three years and authorizes \$53 million for maintenance, repair and alteration and \$52 million for capital projects. The legislation also authorizes GAO to periodically review the capital program of the Kennedy Center to ensure effective project management.

The bill also establishes a Plaza Project Team headed by a Project Director appointed by the Secretary of Transportation. The Kennedy Center Board will consult with the Project Team on decisions regarding construction of the buildings on the Plaza. Further, the Team will approve any decision by the Board which significantly affects the scope, cost, schedule, or engineering feasibility of the Project.

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 provides that the short title for the legislation is the John F. Kennedy Center Reauthorization Act of 2003.

Section 2. Authorization of appropriations

Section 2 of the act amends Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) to authorize appropriations for maintenance, repair and security projects and for capital projects. Maintenance, repair, and security are authorized \$17 million for fiscal year 2004 and \$18 million for each of fiscal years 2005 and 2006. Capital projects are authorized \$16 million for fiscal year 2004 and \$18 million for each of fiscal years 2005 and 2006.

Section 3. John F. Kennedy Center Plaza

Section 3 of the act amends Section 12(b) of the John F. Kennedy Center Act (20 U.S.C. 76q–1(b)) to create a Project Team. The Project Team will be established by the Secretary of Transportation and be composed of the Secretary, the Administrator of General Services, the Chairman of the Board or their designees; and such other individuals as the Secretary considers appropriate. The team

will be headed by a Project Director, selected by the Secretary in consultation with the Administrator of General Services and the Chairman of the Board. The Project Director will report directly to the Project Team.

The act also makes a number of additional changes to reflect the creation of the Project Team, and to ensure consultation by the Kennedy Center Board of Trustees with the Project Team on decisions related to the Plaza Project authorized by P.L. 107-224. It is not the intention of the Committee, however to take from the Board authority to construct, with non-appropriated funds, buildings on the plaza.

The act also clarifies that notwithstanding section 5(e) of the act, any decision made by the Board that will significantly affect the scope, cost, schedule, or engineering feasibility of any element of the Plaza Project, other than buildings to be constructed on the plaza, are subject to the approval of the Project Team.

Construction of the plaza and the buildings to be built on it are inherently interconnected. Changes to the buildings could have significant cost and schedule ramifications to the plaza. Giving the Project Team authority to approve decisions impacting the plaza project will ensure the timely and cost-efficient completion of the project.

Finally, the act allows for review of the management and oversight of the plaza project by the General Accounting Office (GAO) and specifies what areas the GAO should be looking at. The GAO will report back to the Committee periodically on their findings.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On September 30, 2003, Mr. Young of Alaska, Mr. Oberstar, Mr. LaTourette and Mrs. Norton introduced H.R. 3198, which was referred to the Committee on Transportation and Infrastructure. On October 1, 2003, the Full Committee met in open session and considered H.R. 3198. A motion by Mr. LaTourette to order H.R. 3198 favorably reported to the House was agreed to unanimously, by voice vote with a quorum present. There were no recorded votes taken during consideration of H.R. 3198.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes taken during consideration of H.R. 3198.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison pre-

pared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

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

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to improve the facilities of the John F. Kennedy Center for the Performing Arts and to improve the management of construction projects by creating a project team comprised of a broad range of individuals.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3198 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, October 3, 2003.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3198, the John F. Kennedy Center Reauthorization Act of 2003.

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

Sincerely,

ELIZABETH M. ROBINSON,
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3198—John F. Kennedy Center Reauthorization Act of 2003

Summary: H.R. 3198 would authorize funding for the John F. Kennedy Center for the Performing Arts through 2006. Such funding is currently authorized through October 31, 2003, by the Continuing Appropriations Act (Public Law 108-84).

Authorizations under the bill total \$33 million in 2004 and \$105 million over the 2004–2008 period. CBO estimates that appropriation of the authorized levels would result in outlays of \$97 million over the 2004–2008 period. Enacting H.R. 3198 would not affect direct spending or receipts.

H.R. 3198 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no effect on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3198 is shown in the following table. The costs

of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for the Kennedy Center:						
Budget Authority ¹	34	0	0	0	0	0
Estimated Outlays	36	18	9	6	0	0
Proposed Changes:						
Operation, Maintenance, Repair, and Security:						
Authorization Level	0	17	18	18	0	0
Estimated Outlays	0	14	18	18	4	0
Construction:						
Authorization Level	0	16	18	18	0	0
Estimated Outlays	0	4	9	12	11	9
Total Proposed Changes:						
Authorization Level	0	33	36	36	0	0
Estimated Outlays	0	18	26	30	14	9
Total Spending Under H.R. 3198 for the Kennedy Center:						
Authorization Level	34	33	36	36	0	0
Estimated Outlays	36	35	36	36	14	9

¹The 2003 level is the amount appropriated that year for the John F. Kennedy Center for the Performing Arts, with \$16 million provided for operations and \$18 million for construction.

Basis of Estimate: H.R. 3198 would authorize the appropriation of \$17 million in 2004 and \$18 million in each of the years 2005 and 2006 for operations, maintenance, repair, and security for the Kennedy Center. The bill would authorize the appropriation of \$16 million in 2004 and \$18 million in each of 2005 and 2006 for capital (construction) projects. Total funding for the 2004–2008 period would be \$105 million, with resulting outlays of about \$97 million over those five years. The estimated outlays reflect historical rates of spending for the Kennedy Center.

Intergovernmental and private-sector impact: H.R. 3198 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no effect on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Donna Wong; Impact on State, Local, and Tribal Governments: Sarah Puro; and Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

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

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office

pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 3198 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

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

APPLICABILITY TO THE LEGISLATIVE BRANCH

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

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

JOHN F. KENNEDY CENTER ACT

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SEC. 12. JOHN F. KENNEDY CENTER PLAZA.

(a) * * *

(b) RESPONSIBILITIES OF THE SECRETARY.—

(1) * * *

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(6) *PROJECT TEAM.*—

(A) *ESTABLISHMENT.*—*To further construction of the Project, the Secretary shall establish a Project Team.*

(B) *MEMBERSHIP.*—*The Project Team shall be composed of the following members:*

(i) *The Secretary (or the Secretary's designee).*

(ii) *The Administrator of General Services (or the Administrator's designee).*

(iii) *The Chairman of the Board (or the Chairman's designee).*

(iv) *Such other individuals as the Secretary considers appropriate.*

(C) *PROJECT DIRECTOR.*—*The Project Team shall have a Project Director who shall be appointed by the Secretary, in consultation with the Administrator of General Services and the Chairman of the Board. The Project Director shall report directly to the Project Team.*

(c) RESPONSIBILITIES OF THE BOARD.—

(1) *IN GENERAL.*—The Board, *in consultation with the Project Team*, may undertake such activities as may be necessary to construct buildings on the Plaza for the Project.

* * * * *

(3) *CONSTRUCTION OF BUILDINGS.*—The Board, *in consultation with the Project Team*, may construct, with non-appropriated funds, buildings on the Plaza for the Project and shall be responsible for the planning, design, engineering, and construction of the buildings.

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(5) *APPROVAL BY PROJECT TEAM.*—*Notwithstanding section 5(e), any decision by the Board that will significantly affect the scope, cost, schedule, or engineering feasibility of any element of the Project, other than buildings to be constructed on the Plaza, shall be subject to the approval of the Project Team.*

* * * * *

(g) *GAO REVIEW.*—

(1) *IN GENERAL.*—*Until completion of the Project, the Comptroller General shall review the management and oversight of construction of the Project by the Board and report periodically on the results of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.*

(2) *OBJECTIVES.*—*In carrying out paragraph (1), the Comptroller General shall assess the progress made by the Board in achieving each of the following objectives:*

(A) *Development and implementation of adequate policies and procedures to guide the planning and management of the Project.*

(B) *Receipt of timely construction data on schedules and costs related to the Project.*

(C) *Improvement of human capital resources and expertise in managing construction of the Project.*

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

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

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

(1) *\$17,000,000 for fiscal year 2004; and*

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

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

(1) \$16,000,000 for fiscal year 2004; and

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

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