

AMENDING TITLE 40, UNITED STATES CODE, TO INCLUDE AS PART OF THE BUILDINGS AND GROUNDS OF THE NATIONAL GALLERY OF ART ANY BUILDINGS AND OTHER AREAS WITHIN THE BOUNDARIES OF ANY REAL ESTATE OR OTHER PROPERTY INTERESTS ACQUIRED BY THE NATIONAL GALLERY OF ART

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JUNE 16, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mrs. MILLER of Michigan, from the Committee on House Administration, submitted the following

## R E P O R T

[To accompany H.R. 5160]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 5160) to amend title 40, United States Code, to include as part of the buildings and grounds of the National Gallery of Art any buildings and other areas within the boundaries of any real estate or other property interests acquired by the National Gallery of Art, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### PURPOSE

The legislation expands the geographic boundaries to include as part of the buildings and grounds of the National Gallery of Art (NGA) any buildings and other areas within the boundaries of any real estate or other property interests acquired by the National Gallery of Art. This expansion will provide the National Gallery of Art policing authority to include any buildings and other areas within the boundaries of any real estate or other property interests now held or acquired by the NGA.

### BACKGROUND AND NEED FOR LEGISLATION

The NGA Board of Trustees is authorized to designate employees to police their buildings and grounds. Existing statute defines the boundaries of the NGA's buildings and grounds as the East and West Buildings and the Sculpture Garden.

The NGA is now responsible for space beyond the currently defined boundaries. In 2014, the NGA acquired the Corcoran Gallery

of Art collection which will be displayed in the Corcoran's former building on 17th Street NW after renovations are complete, and the Mellon Fountain, a small park across from the West Building between Constitution Avenue and Pennsylvania Avenue. In addition, the NGA leases office space at 601 Pennsylvania Avenue NW and warehouse storage in Landover, MD.

To protect their property and the visiting public, the NGA requires this boundary expansion to include any other buildings and spaces that it acquires, including temporary space. The language mirrors the authority already provided in the same statute to the Smithsonian police force.

#### CONCLUSION

H.R. 5160 is critical to protect valuable artifacts of the United States as well as the safety and security of all those who visit the National Gallery of Art.

#### INTRODUCTION AND REFERRAL

On April 29, 2016, Chairman Candice Miller introduced H.R. 5160, which was referred to the Committee on House Administration.

#### HEARINGS

There were no legislative hearings held on H.R. 5160.

#### COMMITTEE CONSIDERATION

On May 17, 2016, the Committee on House Administration met to consider H.R. 5160. The Committee ordered the bill reported favorably to the House without amendment by voice vote with a quorum present.

#### COMMITTEE RECORD VOTES

In compliance with House Rule XIII, clause 3(b), requiring the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the Committee report, the Committee states that there were no record votes during the Committee's consideration of H.R. 5160.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with House Rule XIII, clause 3(c)(1), the Committee states that the findings and recommendations of the Committee, based on oversight activities under House Rule X, clause 2(b)(1), are incorporated into the general discussion section of this report.

#### STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

The bill does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under House Rule XIII, clause 3(c)(2), and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, H.R. 5160 does not provide any new spending or savings.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 8, 2016.*

Hon. CANDICE MILLER,  
*Chairman, Committee on House Administration,  
House of Representatives, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5160, a bill to amend title 40, United States Code, to include as part of the buildings and grounds of the National Gallery of Art any buildings and other areas within the boundaries of any real estate or other property interests acquired by the National Gallery of Art.

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

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 5160—A bill to amend title 40, United States Code, to include as part of the buildings and grounds of the National Gallery of Art any buildings and other areas within the boundaries of any real estate or other property interests acquired by the National Gallery of Art*

H.R. 5160 would expand the definition of what is considered the property of the National Gallery of Art. That expansion would permit the National Gallery to employ armed guards in certain circumstances where they may not currently do so. Under current law, guards employed by the National Gallery of Art at certain properties may not carry weapons.

CBO estimates that implementing the legislation would have no significant effect on the federal budget. Because H.R. 5160 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5160 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5160 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Christina Hawley Anthony and Matthew Pickford. This estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

## PERFORMANCE GOALS AND OBJECTIVES

In compliance with House Rule XIII, clause 3(c)(4), the Committee states that the general discussion section of this report includes a statement of the general performance goals and objectives, including outcome-related goals and objectives.

#### DUPLICATION OF FEDERAL PROGRAMS

In compliance with Sec. 3(g)(2) of H. Res. 5 (114th Congress), the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95–220, as amended by Pub. L. No. 98–169).

#### DISCLOSURE OF DIRECTED RULE MAKINGS

In compliance with Sec. 3(i) of H. Res. 5 (114th Congress), the following statement is made concerning directed rule makings: The Committee estimates that the bill requires no directed rule makings within the meaning of such section.

#### INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4). The Committee has determined that the bill contains no unfunded mandate on the private sector, nor does it impose a Federal inter-governmental mandate on State, local, or tribal governments.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Congress has the power to enact this legislation pursuant to Article 1, Section 8 of the U.S. Constitution granting Congress the authority to exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

#### ADVISORY ON EARMARKS

In accordance with House Rule XXI, clause 9, the Committee states that H.R. 5160 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

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

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

## TITLE 40, UNITED STATES CODE

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## SUBTITLE II—PUBLIC BUILDINGS AND WORKS

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## PART C—FEDERAL BUILDING COMPLEXES

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## CHAPTER 63—SMITHSONIAN INSTITUTION, NATIONAL GALLERY OF ART, AND JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

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## § 6301. Definition

In this chapter, the term “specified buildings and grounds” means—

(1) SMITHSONIAN INSTITUTION.—The Smithsonian Institution and its grounds, which include the following:

(A) SMITHSONIAN BUILDINGS AND GROUNDS ON THE NATIONAL MALL.—The Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art, the National Air and Space Museum, the National Museum of Natural History, the National Museum of American History, the National Museum of the American Indian, the Hirshhorn Museum and Sculpture Garden, the Arthur M. Sackler Gallery, the National Museum of African Art, the S. Dillon Ripley Center, and all other buildings of the Smithsonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas.

(B) NATIONAL ZOOLOGICAL PARK.—The National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between that fence and the face of the curb lines of the adjacent city streets.

(C) OTHER SMITHSONIAN BUILDINGS AND GROUNDS.—All other buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) that the Smithsonian Institution acquires and that the Secretary of the Smithsonian Institution determines to be necessary for the adequate protection of individuals or property in the Smithsonian Institution and suitable for administration as a part of the Smithsonian Institution.

(2) NATIONAL GALLERY OF ART.—**[The National Gallery of Art]** (A) *The National Gallery of Art* and its grounds, which extend—

**[(A)]** (i) to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the

face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest;

【(B)】 *(ii)* to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest; and

【(C)】 *(iii)* to the line of the face of the south curb of Constitution Avenue Northwest, between Ninth Street Northwest and Seventh Street Northwest; to the line of the face of the west curb of Seventh Street Northwest, between Constitution Avenue Northwest and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Seventh Street Northwest and the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest; and to the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest, between Madison Drive Northwest and Constitution Avenue Northwest.

*(B) All other buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) that the National Gallery of Art acquires and that the Director of the National Gallery of Art determines to be necessary for the adequate protection of individuals or property in the National Gallery of Art and suitable for administration as a part of the National Gallery of Art.*

(3) JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The John F. Kennedy Center for the Performing Arts, which extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563 and dated April 20, 1994 (as amended by the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection

in the office of the National Capital Region, National Park Service.

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