

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF  
2012

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APRIL 27, 2012.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. MICA, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4097]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4097) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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## PURPOSE OF LEGISLATION

H.R. 4097 amends the John F. Kennedy Center Act to reauthorize appropriations for the John F. Kennedy Center for the Performing Arts and authorize the construction of an expansion project using private funding.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 4097 reauthorizes appropriations for the John F. Kennedy Center for the Performing Arts through Fiscal Year 2014. The authorization levels are consistent with current spending levels.

## PURPOSE AND NEED

The Kennedy Center for the Performing Arts (“Center”) was originally established in 1958 and was designated as a memorial for President John F. Kennedy in 1964. The Center operates primarily on privately raised funds with only the operations, maintenance and capital repairs of its facility funded through federal appropriations.

The Center is currently one of the nation’s busiest performing arts facilities and includes nine theaters and stages that attract audiences and visitors totaling three million annually. The Center presents performances of music, dance, and theater; supports artists in the creation of new work; and serves the nation as a leader in arts and arts management education. With its artistic affiliates, the National Symphony Orchestra, the Washington National Opera, the Suzanne Farrell Ballet and VSA (the international organization on arts and disability), the Center’s achievements as a commissioner, producer, and nurturer of developing artists have resulted in more than 300 theatrical productions, and dozens of new ballets, operas and musical works.

As part of the Performing Arts for Everyone outreach program, the Center stages more than 400 free performances of music, dance, and theater by artists from throughout the world each year. Each year, people throughout the nation take part in innovative and effective education programs initiated by the Center—performances, lecture/demonstrations, open rehearsals, dance and music residencies, master classes, competitions for young actors and musicians, and workshops for teachers and arts administrators. These programs have become models for communities across the country. The Center also has been at the forefront of making the performing arts accessible to persons with disabilities, highlighted by its affiliation with VSA.

As constructed in the 1970’s, and as modified in the ensuing years, the Center however contains no dedicated classrooms, a limited number of rehearsal rooms and no dedicated event space. Multifunctional rooms, such as the Atrium and Foyers, conference rooms, hallways and rehearsal rooms, serve as event space, classrooms, exhibition space, as well as circulation and storage areas.

Paramount to the Center’s mission is bringing the arts to people who might not otherwise have access to it. This is accomplished through Education and VSA programs and by providing free performances to the public. Over the past four decades the Center’s education department has grown to be the largest at a performing arts center in the country and along with VSA offers more than 30

educational programs in the areas of performance, teaching and learning, partnerships, and career development for young artists, serving over 11 million people. Yet there are no dedicated facilities to serve these ever expanding programs.

H.R. 4097 authorizes the Center to construct a new 100,000 square foot expansion space using privately donated funds. The purpose of the expansion is to improve the facilities of the John F. Kennedy Center for the Performing Arts by adding approximately 56,000 square feet of space for classrooms, rehearsal rooms, event spaces and offices. Accommodating these functions in a dedicated area for education and rehearsals would free up spaces in the main building. Specifically, the Atrium and Foyers could be used more robustly as exhibition space. This expansion will permit the Center to address these growing needs and will provide greater accessibility to the Center's programs and performances for the general public.

#### SUMMARY OF LEGISLATION

##### *Section 1. Short title*

Section 1 states that the Act may be cited as the "John F. Kennedy Center Reauthorization Act of 2012."

##### *Section 2. Expansion project for the John F. Kennedy Center for the Performing Arts*

Section 2 authorizes the Center to construct an expansion project that is not more than 100,000 square feet, will improve the existing accessibility and education functions of the Center, and will become a part of the existing structure of the Center. This section also prohibits the use of federal funds in the planning, design, engineering and construction of the expansion project.

The language also makes clear the Center must account for and determine the ability of the Center to accommodate any additional costs to annual operations and maintenance before making a final determination as to whether it should proceed with the expansion project.

Section 2 also provides limited authority to the Center to make acknowledgements of private contributions in the expansion project. Existing law allowing such acknowledgments are specific to the existing facilities. Given that the Center is a presidential memorial, where and how acknowledgements of private contributions are allowed is explicitly outlined in the John F. Kennedy Center Act. Section 2 of H.R. 4097 makes clear limited acknowledgments inside the expansion project are permitted to the extent they are consistent with the existing acknowledgment requirements.

##### *Section 3. Authorization of appropriations*

Section 3 authorizes \$22.379 million for fiscal years 2013 and 2014 for maintenance, repair, and security and \$13.588 million for capital projects for those same fiscal years. The authorization levels are below fiscal year 2012 funding and consistent with the President's fiscal year 2013 budget request.

## LEGISLATIVE HISTORY AND CONSIDERATION

On February 28, 2012, Representative John L. Mica introduced H.R. 4097, a bill to reauthorize the John F. Kennedy Center for the Performing Arts.

On March 1, 2012, the Subcommittee on Economic Development, Public Buildings, and Emergency Management met in open session and ordered the bill reported to the full Committee by voice vote with a quorum present. No amendments were offered.

On March 8, 2012, the Committee on Transportation and Infrastructure met in open session, and ordered the bill reported favorably to the House by voice vote with a quorum present. No amendments were offered.

## HEARINGS

No hearings were held on H.R. 4097.

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no record votes taken in connection with consideration of H.R. 4097, or ordering the bill reported. A motion to order H.R. 4097 reported favorably to the House was agreed to by voice vote with a quorum present.

## COMMITTEE OVERSIGHT FINDINGS

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

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

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

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 4097 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 21, 2012.*

Hon. JOHN L. MICA,  
*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. 4097, the John F. Kennedy Center Reauthorization Act of 2012.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 4097—John F. Kennedy Center Reauthorization Act of 2012*

Summary: H.R. 4097 would authorize a total of \$72 million to be appropriated for fiscal years 2013 and 2014 for the Kennedy Center's maintenance, repair, and security and for capital projects for the center. In addition, the bill would authorize the construction of an expansion project at the center that would be financed with nonappropriated funds.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4097 would cost \$71 million over the 2013–2017 period.

Pay-as-you-go procedures do not apply to this legislation because enacting it would not affect direct spending or revenues.

H.R. 4097 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4097 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—					
	2013	2014	2015	2016	2017	2013– 2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level .....	36	36	0	0	0	72
Estimated Outlays .....	24	31	10	4	2	71

Basis of estimate: For this estimate, CBO assumes that H.R. 4097 will be enacted by October 1, 2012, that the specified amounts will be appropriated for 2013 and 2014, and that spending will follow historical patterns.

The bill would authorize the appropriation of \$22.4 million in each of fiscal years 2013 and 2014 for maintenance, repair, and security at the John F. Kennedy Center. In addition, H.R. 4097 would authorize the appropriation of \$13.6 million in each of fiscal years 2013 and 2014 for capital projects. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4097 would cost \$71 million over the 2013–2017 period.

In addition, the bill would authorize the Board of the John F. Kennedy Center to plan, design, and construct an expansion project not to exceed 100,000 square feet. That project would be financed using nonappropriated funds. (In addition to receiving regular federal appropriations, the John F. Kennedy Center also receives substantial private donations.) The Kennedy Center anticipates that the authorized construction will be completed in fiscal year 2017. Therefore, any effect of the new construction on future authorizations or appropriations for repair and maintenance would occur after 2017.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 4097 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Christina Hawley Anthony; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Holly Harvey, Deputy Assistant Director for Budget Analysis.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to reauthorize the John F. Kennedy Center of the Performing Arts through fiscal year 2014 and authorize the construction of an expansion project with privately raised funds.

#### ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

#### FEDERAL MANDATE 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 (P.L. 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. 4097 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 OF 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 (P.L. 104-1).

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

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

**JOHN F. KENNEDY CENTER ACT**

\* \* \* \* \*

**SEC. 3. JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.**

(a) \* \* \*

\* \* \* \* \*

(c) *EXPANSION PROJECT.*—

(1) *AUTHORITY TO CONSTRUCT.*—

(A) *IN GENERAL.*—*Subject to the requirements of this subsection, the Board may undertake such activities as may be necessary to construct the expansion project.*

(B) *RESPONSIBILITIES OF THE BOARD.*—*The Board may construct the expansion project, and shall be responsible for the planning, design, engineering, and construction of the expansion project.*

(C) *LIMITATIONS.*—

(i) *MISSION.*—*All activities carried out under this paragraph shall be within the mission of the John F. Kennedy Center for the Performing Arts to serve as the national center for the performing arts.*

(ii) *FUNDING.*—*The costs of planning, design, engineering, and construction of the expansion project shall be paid for using nonappropriated funds.*

(2) *ANNUAL OPERATIONS AND MAINTENANCE COSTS.*—

(A) *ESTIMATES.*—*Before awarding a contract for construction of the expansion project, the Board shall estimate any additional annual operations and maintenance costs (or savings) associated with the project.*

(B) *BUDGET REQUESTS.*—*The Board shall account for any additional costs identified under subparagraph (A) in making a budget request for fiscal year 2014 and each fiscal year thereafter.*

(C) *BUDGET PRIORITIES.*—*The Board shall base a final determination on whether to proceed with the expansion project on the ability of the Board to accommodate any ad-*

*ditional costs identified under subparagraph (A) within the other budget priorities of the Board.*

(3) *ACKNOWLEDGMENTS.—The Board may acknowledge private contributions used in carrying out the expansion project in the interior of the project, but may not acknowledge such private contributions on the exterior of the project. Any acknowledgment of private contributions under this paragraph shall be consistent with the requirements of section 4(b).*

(4) *EXPANSION PROJECT DEFINED.—In this subsection, the term “expansion project” means an addition to the south end of the building of the John F. Kennedy Center for the Performing Arts that—*

*(A) is less than 100,000 square feet;*

*(B) will improve the existing (as of the date of enactment of this subsection) accessibility and education functions of the Center; and*

*(C) will become part of the existing (as of the date of enactment of this subsection) structure of the Center.*

\* \* \* \* \*

### **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) \$20,200,000 for fiscal year 2008;

[(2) \$21,800,000 for fiscal year 2009;

[(3) \$22,500,000 for fiscal year 2010;

[(4) \$23,500,000 for fiscal year 2011; and

[(5) \$24,500,000 for fiscal year 2012.]

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

[(1) \$23,150,000 for fiscal year 2008;

[(2) \$16,000,000 for fiscal year 2009;

[(3) \$17,000,000 for fiscal year 2010;

[(4) \$17,000,000 for fiscal year 2011; and

[(5) \$18,500,000 for fiscal year 2012.]

(a) *MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H) \$22,379,000 for each of fiscal years 2013 and 2014.*

(b) *CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1) \$13,588,000 for each of fiscal years 2013 and 2014.*

\* \* \* \* \*