

**Union Calendar No. 275**

103D CONGRESS  
2D SESSION

**H. R. 3567**

**[Report No. 103-453, Parts I and II]**

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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.

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MAY 6, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

MARCH 24, 1994

Reported with an amendment, referred to the Committee on Natural Resources for a period ending not later than April 29, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(n), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

MAY 2, 1994

Referral to the Committee on Natural Resources extended for a period ending not later than May 6, 1994

MAY 6, 1994

Additional sponsor: Mr. YATES

MAY 6, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on November 19, 1993]

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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 Center*  
 5        *Act Amendments of 1994”.*

6        **SEC. 2. FINDINGS, BUREAU, BOARD OF TRUSTEES, AND**  
 7        **ADVISORY COMMITTEE.**

8        *(a) FINDINGS.—Section 1 of the John F. Kennedy*  
 9        *Center Act (20 U.S.C. 76h note) is amended—*

10        *(1) by striking “SECTION 1.” and inserting the*  
 11        *following:*

12        **“SECTION 1. SHORT TITLE AND FINDINGS.**

13        *“(a) SHORT TITLE.—”; and*

14        *(2) by adding at the end the following:*

15        *“(b) FINDINGS.—Congress finds that—*

16        *“(1) the late John Fitzgerald Kennedy served*  
 17        *with distinction as President of the United States and*  
 18        *as a Member of the Senate and the House of Rep-*  
 19        *resentatives;*

1           “(2) by the untimely death of John Fitzgerald  
2 Kennedy this Nation and the world have suffered a  
3 great loss;

4           “(3) the late John Fitzgerald Kennedy was par-  
5 ticularly devoted to education and cultural under-  
6 standing and the advancement of the performing arts;

7           “(4) it is fitting and proper that a living insti-  
8 tution of the performing arts, designated as the Na-  
9 tional Center for the Performing Arts, named in the  
10 memory and honor of this great leader, shall serve as  
11 the sole national monument to his memory within the  
12 District of Columbia and its environs;

13           “(5) such a living memorial serves all of the peo-  
14 ple of the United States by preserving, fostering, and  
15 transmitting the performing arts traditions of the  
16 people of this Nation and other countries by produc-  
17 ing and presenting music, opera, theater, dance, and  
18 other performing arts; and

19           “(6) such a living memorial should be housed in  
20 the John F. Kennedy Center for the Performing Arts,  
21 located in the District of Columbia.”.

22           (b) *EX OFFICIO TRUSTEES.*—

23           (1) *IN GENERAL.*—Section 2 of such Act (20  
24 U.S.C. 76h) is amended—

1           (A) by striking the section heading and all  
2           that follows before “There is hereby” and insert-  
3           ing the following:

4   **“SEC. 2. BOARD OF TRUSTEES.**

5           “(a) *ESTABLISHMENT.*—”;

6           (B) in the first sentence by inserting “as the  
7           National Center for the Performing Arts, a liv-  
8           ing memorial to John Fitzgerald Kennedy,” after  
9           “thereof”;

10          (C) in the second sentence by striking  
11          “Chairman of the District of Columbia Recre-  
12          ation Board” and inserting “Superintendent of  
13          Schools of the District of Columbia”; and

14          (D) in the second sentence by striking  
15          “three Members of the Senate” and all that fol-  
16          lows before “ex officio” and inserting “the chair-  
17          man and ranking minority member of the Com-  
18          mittee on Public Works and Transportation of  
19          the House of Representatives and 3 additional  
20          Members of the House of Representatives ap-  
21          pointed by the Speaker of the House of Rep-  
22          resentatives, and the chairman and ranking mi-  
23          nority member of the Committee on Environ-  
24          ment and Public Works of the Senate and 3 ad-

1           *ditional Members of the Senate appointed by the*  
2           *President of the Senate”.*

3           (2) *EFFECTIVE DATES.*—

4                   (A) *SUPERINTENDENT OF SCHOOLS OF THE*  
5           *DISTRICT OF COLUMBIA.*—*The amendment made*  
6           *by paragraph (1)(C) shall take effect on the date*  
7           *of expiration of the term of the Chairman of the*  
8           *District of Columbia Recreation Board serving*  
9           *as a trustee of the John F. Kennedy Center for*  
10           *the Performing Arts on the date of the enactment*  
11           *of this Act.*

12                   (B) *MEMBERS OF CONGRESS.*—*The amend-*  
13           *ment made by paragraph (1)(D) shall take effect*  
14           *on the date of the enactment of this Act.*

15           (c) *GENERAL TRUSTEES.*—*Section 2(b) of such Act is*  
16           *amended to read as follows:*

17                   “(b) *GENERAL TRUSTEES.*—*The general trustees shall*  
18           *be appointed by the President of the United States and each*  
19           *such trustee shall hold office as a member of the Board for*  
20           *a term of 6 years, except that—*

21                           “(1) *any member appointed to fill a vacancy oc-*  
22           *curring before the expiration of the term for which*  
23           *such member’s predecessor was appointed shall be ap-*  
24           *pointed for the remainder of such term;*

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

3           “(3) the term of office of a member appointed be-  
4 fore the date of the enactment of the John F. Kennedy  
5 Center Act Amendments of 1994 shall expire as des-  
6 ignated at the time of appointment.”.

7           (d) *ADVISORY COMMITTEE ON THE ARTS.*—Section  
8 2(c) of such Act is amended—

9           (1) by inserting “*ADVISORY COMMITTEE ON THE*  
10 *ARTS.*—” before “There shall be”;

11           (2) in the first sentence by inserting “of the  
12 United States” after “President” the first place it  
13 appears;

14           (3) in the fifth sentence by striking “cultural ac-  
15 tivities to be carried on in” and inserting “cultural  
16 activities to be carried out by”; and

17           (4) in the last sentence by striking all that fol-  
18 lows “compensation” and inserting a period.

19 **SEC. 3. DUTIES OF THE BOARD.**

20           Section 4 of the John F. Kennedy Center Act (20  
21 U.S.C. 76j) is amended by striking the section heading and  
22 all that follows through the period at the end of subsection  
23 (a) and inserting the following:

24 **“SEC. 4. DUTIES OF THE BOARD.**

25           “(a) *PROGRAMS, ACTIVITIES, AND GOALS.*—

1           “(1) *IN GENERAL.*—*The Board shall—*

2                   “(A) *present classical and contemporary*  
3 *music, opera, drama, dance, and other perform-*  
4 *ing arts from the United States and other*  
5 *countries;*

6                   “(B) *promote and maintain the John F.*  
7 *Kennedy Center for the Performing Arts as the*  
8 *National Center for the Performing Arts—*

9                           “(i) *by developing and maintaining a*  
10 *leadership role in national performing arts*  
11 *education policy and programs, including*  
12 *developing and presenting original and in-*  
13 *novative performing arts and educational*  
14 *programs for children, youth, families,*  
15 *adults, and educators designed specifically*  
16 *to foster an appreciation and understand-*  
17 *ing of the performing arts;*

18                           “(ii) *by developing and maintaining a*  
19 *comprehensive and broad program for na-*  
20 *tional and community outreach, including*  
21 *establishing model programs for adaptation*  
22 *by other presenting and educational institu-*  
23 *tions; and*

24                           “(iii) *by conducting joint initiatives*  
25 *with the national education and outreach*

1            *programs of the Very Special Arts, an en-*  
2            *tity affiliated with the John F. Kennedy*  
3            *Center for the Performing Arts which has*  
4            *an established program for the identifica-*  
5            *tion, development, and implementation of*  
6            *model programs and projects in the arts for*  
7            *disabled individuals;*

8            *“(C) strive to ensure that the education and*  
9            *outreach programs and policies of the John F.*  
10           *Kennedy Center for the Performing Arts meet the*  
11           *highest level of excellence and reflect the cultural*  
12           *diversity of the Nation;*

13           *“(D) provide facilities for other civic activi-*  
14           *ties at the John F. Kennedy Center for the*  
15           *Performing Arts;*

16           *“(E) provide within the John F. Kennedy*  
17           *Center for the Performing Arts a suitable memo-*  
18           *rial in honor of the late President;*

19           *“(F) develop, and update annually, a com-*  
20           *prehensive building needs plan for the existing*  
21           *features of the John F. Kennedy Center for the*  
22           *Performing Arts;*

23           *“(G) plan, design, and construct all capital*  
24           *projects at the John F. Kennedy Center for the*  
25           *Performing Arts; and*

1           “(H) provide information and interpreta-  
2           tion; all maintenance, repair, and alteration of  
3           the building of the John F. Kennedy Center for  
4           the Performing Arts; and janitorial, security,  
5           and all other services necessary for operating the  
6           building and site of the John F. Kennedy Center  
7           for the Performing Arts.

8           “(2) ADMINISTRATIVE POWERS AND DUTIES.—

9           “(A) AUTHORITY TO ENTER INTO CON-  
10           TRACTS.—The Board, in accordance with appli-  
11           cable law, may enter into contracts or other ar-  
12           rangements with, and make payments to, public  
13           agencies or private organizations or persons in  
14           order to carry out the Board’s functions under  
15           this Act. Such authority includes utilizing the  
16           services and facilities of other agencies, including  
17           the Department of the Interior, the General Serv-  
18           ices Administration, and the Smithsonian Insti-  
19           tution.

20           “(B) PREPARATION OF BUDGET.—The  
21           Board shall prepare a budget pursuant to sec-  
22           tions 1104, 1105(a), and 1513(b) of title 31,  
23           United States Code.

24           “(C) USE OF AGENCY PERSONNEL.—The  
25           Board may utilize or employ the services of the

1        *personnel of any agency or instrumentality of*  
2        *the Federal Government or the District of Co-*  
3        *lumbia, with the consent of the agency or the in-*  
4        *strumentality concerned, upon a reimbursable*  
5        *basis, and utilize voluntary and uncompensated*  
6        *personnel.*

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

16            “(E) *MAINTENANCE OF HALLS.—The Board*  
17        *shall maintain the Hall of Nations, the Hall of*  
18        *States, and the Grand Foyer of the John F. Ken-*  
19        *neddy Center for the Performing Arts in a man-*  
20        *ner that is suitable to a national performing arts*  
21        *center that is operated as a Presidential*  
22        *memorial.”.*

1 **SEC. 4. OFFICERS AND EMPLOYEES; REVIEW OF BOARD**  
2 **ACTIONS.**

3 (a) *SOLICITATION AND ACCEPTANCE OF GIFTS.*—*Sec-*  
4 *tion 5 of the John F. Kennedy Center Act (20 U.S.C. 76k)*  
5 *is amended—*

6 (1) *by striking the section heading and all that*  
7 *follows before “The Board is” and inserting the*  
8 *following:*

9 **“SEC. 5. POWERS OF THE BOARD.**

10 *“(a) SOLICITATION AND ACCEPTANCE OF GIFTS.—”;*  
11 *and*

12 (2) *in subsection (a) by striking “Smithsonian*  
13 *Institution” and inserting “John F. Kennedy Center*  
14 *for the Performing Arts, as a bureau of the Smithso-*  
15 *nian Institution,”.*

16 (b) *APPOINTMENT OF OFFICERS AND EMPLOYEES.—*  
17 *Section 5(b) of such Act is amended to read as follows:*

18 *“(b) APPOINTMENT OF OFFICERS AND EMPLOYEES.—*

19 *“(1) CHAIRPERSON AND SECRETARY.—The*  
20 *Board shall appoint and fix the compensation and*  
21 *duties of a Chairperson of the John F. Kennedy Cen-*  
22 *ter for the Performing Arts, who shall serve as the*  
23 *chief executive officer of the Center, and a Secretary*  
24 *of the John F. Kennedy Center for the Performing*  
25 *Arts. The Chairperson and Secretary shall be well*

1       *qualified by experience and training to perform the*  
2       *duties of their offices.*

3               “(2) *SENIOR LEVEL EXECUTIVE AND OTHER EM-*  
4       *PLOYEES.—The Chairperson of the John F. Kennedy*  
5       *Center for the Performing Arts may appoint—*

6                       “(A) *a senior level executive who, by virtue*  
7                       *of the individual’s background, shall be well suit-*  
8                       *ed to be responsible for facilities management*  
9                       *and services and who may, without regard to the*  
10                      *provisions of title 5, United States Code, be ap-*  
11                      *pointed and compensated with appropriated*  
12                      *funds, except that such compensation may not*  
13                      *exceed the maximum rate of pay for level IV of*  
14                      *the Executive Schedule; and*

15                      “(B) *such other officers and employees of*  
16                      *the John F. Kennedy Center for the Performing*  
17                      *Arts as may be necessary for the efficient admin-*  
18                      *istration of the functions of the Board.”.*

19       (c) *TRANSFERS; REVIEW OF BOARD ACTIONS.—Sec-*  
20       *tion 5 of such Act is amended by striking subsection (c)*  
21       *and inserting the following:*

22               “(c) *TRANSFER OF PROPERTY.—Not later than Octo-*  
23       *ber 1, 1995, such property, liabilities, contracts, records,*  
24       *and unexpended balances of appropriations, authorizations,*  
25       *allocations, and other funds employed, held, used, arising*

1 *from, available to, or to be made available in connection*  
2 *with the functions transferred from the Secretary of the In-*  
3 *terior pursuant to the amendments made by the John F.*  
4 *Kennedy Center Act Amendments of 1994 shall be trans-*  
5 *ferred, subject to section 1531 of title 31, United States*  
6 *Code, to the Board as the Board and the Secretary of the*  
7 *Interior may determine appropriate. Unexpended funds*  
8 *transferred pursuant to this subsection shall be used only*  
9 *for the purposes for which, and subject to the terms under*  
10 *which, the funds were originally authorized and appro-*  
11 *priated.*

12       “(d) *TRANSFER OF PERSONNEL.*—

13               “(1) *IN GENERAL.*—*Employees of the National*  
14 *Park Service assigned to duties related to those func-*  
15 *tions being undertaken by the Board shall be trans-*  
16 *ferred with their functions to the Board not later than*  
17 *October 1, 1995.*

18               “(2) *RIGHTS AND BENEFITS.*—*Transferred em-*  
19 *ployees shall remain in the Federal competitive serv-*  
20 *ice retaining all rights and benefits provided under*  
21 *title 5, United States Code. For a period of not less*  
22 *than 3 years, transferred employees shall retain the*  
23 *right of priority consideration under merit promotion*  
24 *procedures or lateral reassignment for all vacancies*  
25 *within the Department of the Interior.*

1           “(3) *PARK POLICE.*—All United States Park Po-  
2           lice and Park Police guard force employees assigned  
3           to the John F. Kennedy Center for the Performing  
4           Arts shall remain employees of the National Park  
5           Service.

6           “(4) *COSTS.*—All usual and customary costs as-  
7           sociated with any adverse action or grievance pro-  
8           ceeding resulting from the transfer of functions under  
9           this section that are incurred before October 1, 1995,  
10          shall be paid from amounts appropriated to the John  
11          F. Kennedy Center for the Performing Arts.

12          “(5) *REORGANIZATION AUTHORITY.*—Nothing  
13          contained in this section shall be deemed to prohibit  
14          the Board from reorganizing functions at the John F.  
15          Kennedy Center for the Performing Arts in accord-  
16          ance with laws governing such reorganizations.

17          “(e) *REVIEW OF BOARD ACTIONS.*—The actions of the  
18          Board relating to performing arts and to payments made  
19          or directed to be made by the Board from any trust funds  
20          shall not be subject to review by any officer or agency other  
21          than a court of law.”.

22          **SEC. 5. REVIEWS, AUDITS, AND CLAIMS.**

23          Section 6 of the John F. Kennedy Center Act (20  
24          U.S.C. 76l) is amended—

1           (1) in subsection (c) by striking “its” and insert-  
2           ing “the Board’s”; and

3           (2) by striking subsections (e) and (f) and insert-  
4           ing the following:

5           “(d) *AUDIT OF ACCOUNTS.*—At least once every 3  
6           years, the Comptroller General shall review and audit the  
7           accounts of the John F. Kennedy Center for the Performing  
8           Arts for the purpose of examining expenditures of funds ap-  
9           propriated under authority provided by this Act.

10          “(e) *INSPECTOR GENERAL.*—The functions of the  
11          Board funded by amounts appropriated pursuant to section  
12          12 of this Act shall be subject to the requirements of the  
13          Inspector General Act of 1978. The Inspector General of the  
14          Smithsonian Institution is authorized to carry out the re-  
15          quirements of such Act on behalf of the Board on a reim-  
16          bursable basis.

17          “(f) *PROPERTY AND PERSONNEL COMPENSATION.*—

18                 “(1) *IN GENERAL.*—The Board may procure in-  
19                 surance against any loss in connection with the prop-  
20                 erty of the Board and other assets administered by the  
21                 Board. The Board’s employees and volunteers shall be  
22                 deemed civil employees of the United States within  
23                 the meaning of the term ‘employee’ as defined in sec-  
24                 tion 8101 of title 5, United States Code; except that  
25                 the Board shall continue to provide benefits with re-

1     *spect to any disability or death resulting from a per-*  
2     *sonal injury to a nonappropriated fund employee of*  
3     *the Board sustained while in the performance of the*  
4     *employee’s duties for the Board pursuant to the work-*  
5     *ers compensation statute of the jurisdiction in which*  
6     *the John F. Kennedy Center for the Performing Arts*  
7     *is located. Such disability or death benefits, whether*  
8     *under such workers compensation statute or chapter*  
9     *81 of title 5, United States Code, shall continue to be*  
10    *the exclusive liability of the Board and the United*  
11    *States with respect to all employees and volunteers of*  
12    *the Board.*

13           “(2) *FEDERAL TORT CLAIMS.*—*Notwithstanding*  
14    *paragraph (1), no employee of the Board may bring*  
15    *suit against the United States under the Federal tort*  
16    *claims procedure of chapter 171 of title 28, United*  
17    *States Code, for disability or death resulting from*  
18    *personal injury sustained while in the performance of*  
19    *the employee’s duties for the Board.*

20           “(g) *SETTLEMENTS, AWARDS, AND JUDGMENTS.*—*Any*  
21    *settlement, award, or judgment made or entered into pursu-*  
22    *ant to chapter 171 of title 28, United States Code, arising*  
23    *from any act or omission of an employee of the Board in*  
24    *the performance of a nonappropriated fund activity shall*

1 *be paid only from funds available to the Board for its per-*  
2 *forming arts activities.”.*

3 **SEC. 6. TECHNICAL AMENDMENTS.**

4 *Section 10 of the John F. Kennedy Center Act (20*  
5 *U.S.C. 76p) is amended—*

6 *(1) by striking “he” and inserting “the Sec-*  
7 *retary”; and*

8 *(2) by striking “his” and inserting “the Sec-*  
9 *retary’s”.*

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

11 *The John F. Kennedy Center Act (20 U.S.C. 76h–76q)*  
12 *is amended by adding at the end the following:*

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

14 *“(a) MAINTENANCE, REPAIR, AND SECURITY.—There*  
15 *is authorized to be appropriated to the Board \$12,000,000*  
16 *per fiscal year for each of fiscal years 1995 through 1999*  
17 *to carry out subparagraph (H) of section 4(a)(1).*

18 *“(b) CAPITAL PROJECTS.—There is authorized to be*  
19 *appropriated to the Board \$9,000,000 per fiscal year for*  
20 *each of fiscal years 1995 through 1999 to carry out sub-*  
21 *paragraphs (F) and (G) of section 4(a)(1).*

22 *“(c) LIMITATION ON USE OF FUNDS.—No funds ap-*  
23 *propriated pursuant to this section may be used for the di-*  
24 *rect expenses incurred in the production of performing arts*  
25 *attractions, or for personnel who are involved in performing*

1 *arts administration (including supplies and equipment*  
2 *used by such personnel), or for production, staging, public*  
3 *relations, marketing, fundraising, ticket sales, and edu-*  
4 *cation. However, funds appropriated directly to the Board*  
5 *shall not affect nor diminish other Federal funds sought for*  
6 *performing arts functions and may be used to reimburse*  
7 *the Board for that portion of costs that are Federal costs*  
8 *reasonably allocated to building services and theater main-*  
9 *tenance and repairs.”.*

10 **SEC. 8. DEFINITIONS.**

11 *The John F. Kennedy Center Act (20 U.S.C. 76h–76q)*  
12 *is amended by adding at the end the following:*

13 **“SEC. 13. DEFINITIONS.**

14 *“For the purposes of this Act, the following definitions*  
15 *apply:*

16 *“(1) CAPITAL PROJECTS.—The term ‘capital*  
17 *projects’ means capital repairs, replacements, im-*  
18 *provements, rehabilitations, alterations, and modi-*  
19 *fications to the existing features of the building and*  
20 *site of the John F. Kennedy Center for the Performing*  
21 *Arts, including the theaters, garage, plaza, and build-*  
22 *ing walkways.*

23 *“(2) MAINTENANCE, REPAIR, AND SECURITY*  
24 *SERVICES.—The term ‘maintenance, repair, and secu-*  
25 *rity services’ means all services and equipment nec-*

1        *essary to maintain and operate the existing features*  
2        *of the building and site of the John F. Kennedy Cen-*  
3        *ter for the Performing Arts, including the theater, ga-*  
4        *rage, plaza, and building walkways in a manner con-*  
5        *sistent with requirements for high quality operations.*

6                *“(3) BUILDING AND SITE OF THE JOHN F. KEN-*  
7        *NEDY CENTER FOR THE PERFORMING ARTS.—The*  
8        *terms ‘building and site of the John F. Kennedy Cen-*  
9        *ter for the Performing Arts’ and ‘grounds of the John*  
10        *F. Kennedy Center for the Performing Arts’ mean the*  
11        *site in the District of Columbia on which the John F.*  
12        *Kennedy Center building is constructed and which ex-*  
13        *tends to the line of the west face of the west retaining*  
14        *walls and curbs of the Inner Loop Freeway on the*  
15        *east, the north face of the north retaining walls and*  
16        *curbs of the Theodore Roosevelt Bridge approaches on*  
17        *the south, the east face of the east retaining walls and*  
18        *curbs of Rock Creek Parkway on the west, and the*  
19        *south curbs of New Hampshire Avenue and F Street*  
20        *on the north.”.*

21        **SEC. 9. RULES AND REGULATIONS.**

22                *(a) AUTHORITY TO PRESCRIBE.—Section 5(a) of the*  
23        *Act of October 24, 1951 (40 U.S.C. 193r) is amended—*

24                *(1) by striking “Institution and” and inserting*  
25        *“Institution,”; and*

1           (2) by inserting “; and the Trustees of the John  
2           F. Kennedy Center for the Performing Arts,” after  
3           “National Gallery of Art”.

4           (b) *AUTHORITY TO SUSPEND*.—Section 8 of such Act  
5           (40 U.S.C. 193u) is amended by striking “the Secretary of  
6           the Smithsonian Institution or the Trustees of the National  
7           Gallery of Art or” each place it appears and inserting “the  
8           Secretary of the Smithsonian Institution, the Trustees of  
9           the National Gallery of Art, the Trustees of the John F.  
10          Kennedy Center for the Performing Arts, or”.

11          (c) *BUILDINGS AND GROUNDS DEFINED*.—Section 9 of  
12          such Act (40 U.S.C. 193v) is amended by adding at the  
13          end the following:

14                 “(3) The site of the John F. Kennedy Center for  
15                 the Performing Arts, which shall be held to extend to  
16                 the line of the west face of the west retaining walls  
17                 and curbs of the Inner Loop Freeway on the east, the  
18                 north face of the north retaining walls and curbs of  
19                 the Theodore Roosevelt Bridge approaches on the  
20                 south, the east face of the east retaining walls and  
21                 curbs of Rock Creek Parkway on the west, and the  
22                 south curbs of New Hampshire Avenue and F Street  
23                 on the north.”.

1 SECTION 1. SHORT TITLE.

2       **This Act may be cited as the “John F. Ken-**  
3 **neddy Center Act Amendments of 1994”.**

4 SEC. 2. FINDINGS, BUREAU, BOARD OF TRUSTEES, AND AD-  
5 VISORY COMMITTEE.

6       **(a) FINDINGS.—Section 1 of the John F.**  
7 **Kennedy Center Act (20 U.S.C. 76h note) is**  
8 **amended—**

9           **(1) by striking “SECTION 1.” and in-**  
10 **serting the following:**

11 “SECTION 1. SHORT TITLE AND FINDINGS.

12       **“(a) SHORT TITLE.—”; and**

13           **(2) by adding at the end the follow-**  
14 **ing:**

15       **“(b) FINDINGS.—Congress finds that—**

16           **“(1) the late John Fitzgerald Kennedy**  
17 **served with distinction as President of**  
18 **the United States and as a Member of the**  
19 **Senate and the House of Representatives;**

20           **“(2) by the untimely death of John**  
21 **Fitzgerald Kennedy this Nation and the**  
22 **world have suffered a great loss;**

23           **“(3) the late John Fitzgerald Kennedy**  
24 **was particularly devoted to education**  
25 **and cultural understanding and the ad-**  
26 **vancement of the performing arts;**

1           **“(4) it is fitting and proper that a liv-**  
2           **ing institution of the performing arts,**  
3           **designated as the National Center for the**  
4           **Performing Arts, named in the memory**  
5           **and honor of this great leader, shall serve**  
6           **as the sole national monument to his**  
7           **memory within the District of Columbia**  
8           **and its environs;**

9           **“(5) such a living memorial serves all**  
10          **of the people of the United States by pre-**  
11          **serving, fostering, and transmitting the**  
12          **performing arts traditions of the people**  
13          **of this Nation and other countries by pro-**  
14          **ducing and presenting music, opera, the-**  
15          **ater, dance, and other performing arts;**  
16          **and**

17          **“(6) such a living memorial should be**  
18          **housed in the John F. Kennedy Center**  
19          **for the Performing Arts, located in the**  
20          **District of Columbia.”.**

21          **(b) EX OFFICIO TRUSTEES.—**

22                 **(1) IN GENERAL.—Section 2 of such Act**  
23                 **(20 U.S.C. 76h) is amended—**

24                         **(A) by striking the section head-**  
25                         **ing and all that follows before “There**

1           **is hereby” and inserting the follow-**  
2           **ing:**

3   **“SEC. 2. BOARD OF TRUSTEES.**

4           **“(a) ESTABLISHMENT.—”;**

5                   **(B) in the first sentence by insert-**  
6                   **ing “as the National Center for the**  
7                   **Performing Arts, a living memorial to**  
8                   **John Fitzgerald Kennedy,” after**  
9                   **“thereof”;**

10                   **(C) in the second sentence by**  
11                   **striking “Chairman of the District of**  
12                   **Columbia Recreation Board” and in-**  
13                   **serting “Superintendent of Schools of**  
14                   **the District of Columbia”;** and

15                   **(D) in the second sentence by**  
16                   **striking “three Members of the Sen-**  
17                   **ate” and all that follows before “ex**  
18                   **officio” and inserting “the chairman**  
19                   **and ranking minority member of the**  
20                   **Committee on Public Works and**  
21                   **Transportation of the House of Rep-**  
22                   **resentatives and 3 additional Mem-**  
23                   **bers of the House of Representatives**  
24                   **appointed by the Speaker of the**  
25                   **House of Representatives, and the**

1           **chairman and ranking minority mem-**  
2           **ber of the Committee on Environment**  
3           **and Public Works of the Senate and 3**  
4           **additional Members of the Senate ap-**  
5           **pointed by the President of the Sen-**  
6           **ate”.**

7           **(2) EFFECTIVE DATES.—**

8           **(A) SUPERINTENDENT OF SCHOOLS**  
9           **OF THE DISTRICT OF COLUMBIA.—The**  
10           **amendment made by paragraph (1)(C)**  
11           **shall take effect on the date of expira-**  
12           **tion of the term of the Chairman of**  
13           **the District of Columbia Recreation**  
14           **Board serving as a trustee of the**  
15           **John F. Kennedy Center for the Per-**  
16           **forming Arts on the date of the enact-**  
17           **ment of this Act.**

18           **(B) MEMBERS OF CONGRESS.—The**  
19           **amendment made by paragraph**  
20           **(1)(D) shall take effect on the date of**  
21           **the enactment of this Act.**

22           **(c) GENERAL TRUSTEES.—Section 2(b) of**  
23           **such Act is amended to read as follows:**

24           **“(b) GENERAL TRUSTEES.—The general**  
25           **trustees shall be appointed by the President**

1 of the United States and each such trustee  
2 shall hold office as a member of the Board for  
3 a term of 6 years, except that—

4 “(1) any member appointed to fill a  
5 vacancy occurring before the expiration  
6 of the term for which such member’s  
7 predecessor was appointed shall be ap-  
8 pointed for the remainder of such term;

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

12 “(3) the term of office of a member ap-  
13 pointed before the date of the enactment  
14 of the John F. Kennedy Center Act  
15 Amendments of 1994 shall expire as des-  
16 ignated at the time of appointment.”.

17 (d) ADVISORY COMMITTEE ON THE ARTS.—  
18 Section 2(c) of such Act is amended—

19 (1) by inserting “ADVISORY COMMITTEE  
20 ON THE ARTS.—” before “There shall be”;

21 (2) in the first sentence by inserting  
22 “of the United States” after “President”  
23 the first place it appears;

24 (3) in the fifth sentence by striking  
25 “cultural activities to be carried on in”

1       **and inserting “cultural activities to be**  
2       **carried out by”;** and

3               **(4) in the last sentence by striking all**  
4       **that follows “compensation” and insert-**  
5       **ing a period.**

6       **SEC. 3. DUTIES OF THE BOARD.**

7       **Section 4 of the John F. Kennedy Center**  
8       **Act (20 U.S.C. 76j) is amended by striking the**  
9       **section heading and all that follows through**  
10       **the period at the end of subsection (a) and in-**  
11       **serting the following:**

12       **“SEC. 4. DUTIES OF THE BOARD.**

13               **“(a) PROGRAMS, ACTIVITIES, AND GOALS.—**

14                       **“(1) IN GENERAL.—The Board shall—**

15                               **“(A) present classical and contem-**  
16                               **porary music, opera, drama, dance,**  
17                               **and other performing arts from the**  
18                               **United States and other countries;**

19                               **“(B) promote and maintain the**  
20                               **John F. Kennedy Center for the Per-**  
21                               **forming Arts as the National Center**  
22                               **for the Performing Arts—**

23                                       **“(i) by developing and main-**  
24                                       **taining a leadership role in na-**  
25                                       **tional performing arts education**

1           **policy and programs, including**  
2           **developing and presenting origi-**  
3           **nal and innovative performing**  
4           **arts and educational programs**  
5           **for children, youth, families,**  
6           **adults, and educators designed**  
7           **specifically to foster an apprecia-**  
8           **tion and understanding of the**  
9           **performing arts;**

10           **“(ii) by developing and main-**  
11           **taining a comprehensive and**  
12           **broad program for national and**  
13           **community outreach, including**  
14           **establishing model programs for**  
15           **adaptation by other presenting**  
16           **and educational institutions; and**

17           **“(iii) by conducting joint ini-**  
18           **tiatives with the national edu-**  
19           **cation and outreach programs of**  
20           **the Very Special Arts, an entity**  
21           **affiliated with the John F. Ken-**  
22           **neddy Center for the Performing**  
23           **Arts which has an established**  
24           **program for the identification, de-**  
25           **velopment, and implementation of**

1           **model programs and projects in**  
2           **the arts for disabled individuals;**

3           **“(C) strive to ensure that the edu-**  
4           **cation and outreach programs and**  
5           **policies of the John F. Kennedy Cen-**  
6           **ter for the Performing Arts meet the**  
7           **highest level of excellence and reflect**  
8           **the cultural diversity of the Nation;**

9           **“(D) provide facilities for other**  
10          **civic activities at the John F. Ken-**  
11          **neddy Center for the Performing Arts;**

12          **“(E) provide within the John F.**  
13          **Kennedy Center for the Performing**  
14          **Arts a suitable memorial in honor of**  
15          **the late President;**

16          **“(F) develop, and update annu-**  
17          **ally, a comprehensive building needs**  
18          **plan for the existing features of the**  
19          **John F. Kennedy Center for the Per-**  
20          **forming Arts;**

21          **“(G) plan, design, and construct**  
22          **all capital projects at the John F.**  
23          **Kennedy Center for the Performing**  
24          **Arts; and**

1           **“(H) provide information and in-**  
2           **terpretation; all maintenance, repair,**  
3           **and alteration of the building of the**  
4           **John F. Kennedy Center for the Per-**  
5           **forming Arts; and janitorial, security,**  
6           **and all other services necessary for**  
7           **operating the building and site of the**  
8           **John F. Kennedy Center for the Per-**  
9           **forming Arts.**

10           **“(2) ADMINISTRATIVE POWERS AND DU-**  
11           **TIES.—**

12           **“(A) AUTHORITY TO ENTER INTO**  
13           **CONTRACTS.—The Board, in accord-**  
14           **ance with applicable law, may enter**  
15           **into contracts or other arrangements**  
16           **with, and make payments to, public**  
17           **agencies or private organizations or**  
18           **persons in order to carry out the**  
19           **Board’s functions under this Act.**  
20           **Such authority includes utilizing the**  
21           **services and facilities of other agen-**  
22           **cies, including the Department of the**  
23           **Interior, the General Services Admin-**  
24           **istration, and the Smithsonian Insti-**  
25           **tution.**

1           **“(B) PREPARATION OF BUDGET.—**  
2           **The Board shall prepare a budget**  
3           **pursuant to sections 1104, 1105(a),**  
4           **and 1513(b) of title 31, United States**  
5           **Code.**

6           **“(C) USE OF AGENCY PERSONNEL.—**  
7           **The Board may utilize or employ the**  
8           **services of the personnel of any agen-**  
9           **cy or instrumentality of the Federal**  
10          **Government or the District of Colum-**  
11          **bia, with the consent of the agency or**  
12          **the instrumentality concerned, upon**  
13          **a reimbursable basis, and utilize vol-**  
14          **untary and uncompensated person-**  
15          **nel.**

16          **“(D) SELECTION OF CONTRACTORS.—**  
17          **In carrying out its duties under this**  
18          **Act, the Board may negotiate any**  
19          **contract for an environmental system**  
20          **for, a protection system for, or a re-**  
21          **pair to, maintenance of, or restora-**  
22          **tion of the John F. Kennedy Center**  
23          **for the Performing Arts with selected**  
24          **contractors and award the contract**

1           **on the basis of contractor qualifica-**  
2           **tions as well as price.**

3           **“(E) MAINTENANCE OF HALLS.—The**  
4           **Board shall maintain the Hall of Na-**  
5           **tions, the Hall of States, and the**  
6           **Grand Foyer of the John F. Kennedy**  
7           **Center for the Performing Arts in a**  
8           **manner that is suitable to a national**  
9           **performing arts center that is oper-**  
10          **ated as a Presidential memorial and**  
11          **in a manner consistent with other na-**  
12          **tional Presidential memorials.**

13          **“(F) MAINTENANCE OF GROUNDS.—**  
14          **The Board shall manage and operate**  
15          **the grounds of the John F. Kennedy**  
16          **Center for the Performing Arts in a**  
17          **manner consistent with National**  
18          **Park Service regulations and agree-**  
19          **ments in effect on the date of enact-**  
20          **ment of the John F. Kennedy Center**  
21          **Act Amendments of 1994. No change**  
22          **in the management and operation of**  
23          **such grounds may be made without**  
24          **the express approval of the Secretary**  
25          **of the Interior and of the Congress.”.**

1 **SEC. 4. OFFICERS AND EMPLOYEES; REVIEW OF BOARD AC-**  
2 **TIONS.**

3 **(a) SOLICITATION AND ACCEPTANCE OF**  
4 **GIFTS.—Section 5 of the John F. Kennedy Cen-**  
5 **ter Act (20 U.S.C. 76k) is amended—**

6 **(1) by striking the section heading**  
7 **and all that follows before “The Board is”**  
8 **and inserting the following:**

9 **“SEC. 5. POWERS OF THE BOARD.**

10 **“(a) SOLICITATION AND ACCEPTANCE OF**  
11 **GIFTS.—”;** and

12 **(2) in subsection (a) by striking**  
13 **“Smithsonian Institution” and inserting**  
14 **“John F. Kennedy Center for the Per-**  
15 **forming Arts, as a bureau of the Smithso-**  
16 **nian Institution,”.**

17 **(b) APPOINTMENT OF OFFICERS AND EMPLOY-**  
18 **EES.—Section 5(b) of such Act is amended to**  
19 **read as follows:**

20 **“(b) APPOINTMENT OF OFFICERS AND EM-**  
21 **PLOYEES.—**

22 **“(1) CHAIRPERSON AND SECRETARY.—**  
23 **The Board shall appoint and fix the com-**  
24 **pensation and duties of a Chairperson of**  
25 **the John F. Kennedy Center for the Per-**  
26 **forming Arts, who shall serve as the chief**

1 **executive officer of the Center, and a Sec-**  
2 **retary of the John F. Kennedy Center for**  
3 **the Performing Arts. The Chairperson**  
4 **and Secretary shall be well qualified by**  
5 **experience and training to perform the**  
6 **duties of their offices.**

7 **“(2) SENIOR LEVEL EXECUTIVE AND**  
8 **OTHER EMPLOYEES.—The Chairperson of**  
9 **the John F. Kennedy Center for the Per-**  
10 **forming Arts may appoint—**

11 **“(A) a senior level executive who,**  
12 **by virtue of the individual’s back-**  
13 **ground, shall be well suited to be re-**  
14 **sponsible for facilities management**  
15 **and services and who may, without**  
16 **regard to the provisions of title 5,**  
17 **United States Code, be appointed and**  
18 **compensated with appropriated**  
19 **funds, except that such compensation**  
20 **may not exceed the maximum rate of**  
21 **pay for level IV of the Executive**  
22 **Schedule; and**

23 **“(B) such other officers and em-**  
24 **ployees of the John F. Kennedy Cen-**  
25 **ter for the Performing Arts as may be**

1           **necessary for the efficient adminis-**  
2           **tration of the functions of the**  
3           **Board.”.**

4           **(c) TRANSFERS; REVIEW OF BOARD AC-**  
5           **TIONS.—Section 5 of such Act is amended by**  
6           **striking subsection (c) and inserting the fol-**  
7           **lowing:**

8           **“(c) TRANSFER OF PROPERTY.—Not later**  
9           **than October 1, 1995, such property, liabil-**  
10           **ities, contracts, records, and unexpended bal-**  
11           **ances of appropriations, authorizations, allo-**  
12           **cations, and other funds employed, held, used,**  
13           **arising from, available to, or to be made avail-**  
14           **able in connection with the functions trans-**  
15           **ferred from the Secretary of the Interior pur-**  
16           **suant to the amendments made by the John**  
17           **F. Kennedy Center Act Amendments of 1994**  
18           **shall be transferred, subject to section 1531 of**  
19           **title 31, United States Code, to the Board as**  
20           **the Board and the Secretary of the Interior**  
21           **may determine appropriate. Unexpended**  
22           **funds transferred pursuant to this subsection**  
23           **shall be used only for the purposes for which,**  
24           **and subject to the terms under which, the**

1 **funds were originally authorized and appro-**  
2 **priated.**

3 **“(d) TRANSFER OF PERSONNEL.—**

4 **“(1) IN GENERAL.—Employees of the**  
5 **National Park Service assigned to duties**  
6 **related to those functions being under-**  
7 **taken by the Board shall be transferred**  
8 **with their functions to the Board not**  
9 **later than October 1, 1995.**

10 **“(2) RIGHTS AND BENEFITS.—Trans-**  
11 **ferred employees shall remain in the Fed-**  
12 **eral competitive service retaining all**  
13 **rights and benefits provided under title**  
14 **5, United States Code. For a period of not**  
15 **less than 3 years, transferred employees**  
16 **shall retain the right of priority consider-**  
17 **ation under merit promotion procedures**  
18 **or lateral reassignment for all vacancies**  
19 **within the Department of the Interior.**

20 **“(3) PARK POLICE.—All United States**  
21 **Park Police and Park Police guard force**  
22 **employees assigned to the John F. Ken-**  
23 **edy Center for the Performing Arts shall**  
24 **remain employees of the National Park**  
25 **Service.**

1           **“(4) COSTS.—All usual and customary**  
2           **costs associated with any adverse action**  
3           **or grievance proceeding resulting from**  
4           **the transfer of functions under this sec-**  
5           **tion that are incurred before October 1,**  
6           **1995, shall be paid from amounts appro-**  
7           **priated to the John F. Kennedy Center**  
8           **for the Performing Arts.**

9           **“(5) REORGANIZATION AUTHORITY.—**  
10          **Nothing contained in this section shall be**  
11          **deemed to prohibit the Board from reor-**  
12          **ganizing functions at the John F. Ken-**  
13          **neddy Center for the Performing Arts in**  
14          **accordance with laws governing such re-**  
15          **organizations.**

16          **“(e) REVIEW OF BOARD ACTIONS.—The ac-**  
17          **tions of the Board relating to performing arts**  
18          **and to payments made or directed to be made**  
19          **by the Board from any trust funds shall not**  
20          **be subject to review by any officer or agency**  
21          **other than a court of law.”.**

22          **SEC. 5. REVIEWS, AUDITS, AND CLAIMS.**

23          **Section 6 of the John F. Kennedy Center**  
24          **Act (20 U.S.C. 76l) is amended—**

1           **(1) in subsection (c) by striking “its”**  
2           **and inserting “the Board’s”; and**

3           **(2) by striking subsections (e) and (f)**  
4           **and inserting the following:**

5           **“(d) AUDIT OF ACCOUNTS.—At least once**  
6           **every 3 years, the Comptroller General shall**  
7           **review and audit the accounts of the John F.**  
8           **Kennedy Center for the Performing Arts for**  
9           **the purpose of examining expenditures of**  
10           **funds appropriated under authority provided**  
11           **by this Act.**

12           **“(e) INSPECTOR GENERAL.—The functions**  
13           **of the Board funded by amounts appropriated**  
14           **pursuant to section 12 of this Act shall be sub-**  
15           **ject to the requirements of the Inspector Gen-**  
16           **eral Act of 1978. The Inspector General of the**  
17           **Smithsonian Institution is authorized to carry**  
18           **out the requirements of such Act on behalf of**  
19           **the Board on a reimbursable basis.**

20           **“(f) PROPERTY AND PERSONNEL COMPENSA-**  
21           **TION.—**

22           **“(1) IN GENERAL.—The Board may pro-**  
23           **cure insurance against any loss in con-**  
24           **nection with the property of the Board**  
25           **and other assets administered by the**

1 **Board. The Board’s employees and volun-**  
2 **teers shall be deemed civil employees of**  
3 **the United States within the meaning of**  
4 **the term ‘employee’ as defined in section**  
5 **8101 of title 5, United States Code; except**  
6 **that the Board shall continue to provide**  
7 **benefits with respect to any disability or**  
8 **death resulting from a personal injury to**  
9 **a nonappropriated fund employee of the**  
10 **Board sustained while in the perform-**  
11 **ance of the employee’s duties for the**  
12 **Board pursuant to the workers com-**  
13 **ensation statute of the jurisdiction in**  
14 **which the John F. Kennedy Center for**  
15 **the Performing Arts is located. Such dis-**  
16 **ability or death benefits, whether under**  
17 **such workers compensation statute or**  
18 **chapter 81 of title 5, United States Code,**  
19 **shall continue to be the exclusive liability**  
20 **of the Board and the United States with**  
21 **respect to all employees and volunteers**  
22 **of the Board.**

23 **“(2) FEDERAL TORT CLAIMS.—Notwith-**  
24 **standing paragraph (1), no employee of**  
25 **the Board may bring suit against the**

1       **United States under the Federal tort**  
2       **claims procedure of chapter 171 of title**  
3       **28, United States Code, for disability or**  
4       **death resulting from personal injury sus-**  
5       **tained while in the performance of the**  
6       **employee’s duties for the Board.**

7       **“(g) SETTLEMENTS, AWARDS, AND JUDG-**  
8       **MENTS.—Any settlement, award, or judgment**  
9       **made or entered into pursuant to chapter 171**  
10       **of title 28, United States Code, arising from**  
11       **any act or omission of an employee of**  
12       **the Board in the performance of a**  
13       **nonappropriated fund activity shall be paid**  
14       **only from funds available to the Board for its**  
15       **performing arts activities.”.**

16       **SEC. 6. TECHNICAL AMENDMENTS.**

17       **Section 10 of the John F. Kennedy Center**  
18       **Act (20 U.S.C. 76p) is amended—**

19               **(1) by striking “he” and inserting “the**  
20       **Secretary”; and**

21               **(2) by striking “his” and inserting**  
22       **“the Secretary’s”.**

1 SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

2 **The John F. Kennedy Center Act (20**  
3 **U.S.C. 76h–76q) is amended by adding at the**  
4 **end the following:**

5 “SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

6 **“(a) MAINTENANCE, REPAIR, AND SECUR-**  
7 **RITY.—There is authorized to be appropriated**  
8 **to the Board \$12,000,000 per fiscal year for**  
9 **each of fiscal years 1995 through 1999 to carry**  
10 **out subparagraph (H) of section 4(a)(1).**

11 **“(b) CAPITAL PROJECTS.—There is author-**  
12 **ized to be appropriated to the Board**  
13 **\$9,000,000 per fiscal year for each of fiscal**  
14 **years 1995 through 1999 to carry out subpara-**  
15 **graphs (F) and (G) of section 4(a)(1).**

16 **“(c) LIMITATION ON USE OF FUNDS.—No**  
17 **funds appropriated pursuant to this section**  
18 **may be used for the direct expenses incurred**  
19 **in the production of performing arts attrac-**  
20 **tions, or for personnel who are involved in**  
21 **performing arts administration (including**  
22 **supplies and equipment used by such person-**  
23 **nel), or for production, staging, public rela-**  
24 **tions, marketing, fundraising, ticket sales,**  
25 **and education. However, funds appropriated**  
26 **directly to the Board shall not affect nor di-**

1 **minish other Federal funds sought for per-**  
2 **forming arts functions and may be used to re-**  
3 **imburse the Board for that portion of costs**  
4 **that are Federal costs reasonably allocated to**  
5 **building services and theater maintenance**  
6 **and repairs.”.**

7 **SEC. 8. DEFINITIONS.**

8 **The John F. Kennedy Center Act (20**  
9 **U.S.C. 76h–76q) is amended by adding at the**  
10 **end the following:**

11 **“SEC. 13. DEFINITIONS.**

12 **“For the purposes of this Act, the follow-**  
13 **ing definitions apply:**

14 **“(1) CAPITAL PROJECTS.—The term**  
15 **‘capital projects’ means capital repairs,**  
16 **replacements, improvements, rehabil-**  
17 **itations, alterations, and modifications to**  
18 **the existing features of the building and**  
19 **site of the John F. Kennedy Center for**  
20 **the Performing Arts, including the thea-**  
21 **ters, garage, plaza, and building walk-**  
22 **ways.**

23 **“(2) MAINTENANCE, REPAIR, AND SECUR-**  
24 **ITY SERVICES.—The term ‘maintenance,**  
25 **repair, and security services’ means all**

1 **services and equipment necessary to**  
2 **maintain and operate the existing fea-**  
3 **tures of the building and site of the John**  
4 **F. Kennedy Center for the Performing**  
5 **Arts, including the theater, garage, plaza,**  
6 **and building walkways in a manner con-**  
7 **sistent with requirements for high qual-**  
8 **ity operations.**

9 **“(3) BUILDING AND SITE OF THE JOHN F.**  
10 **KENNEDY CENTER FOR THE PERFORMING**  
11 **ARTS.—The terms ‘building and site of the**  
12 **John F. Kennedy Center for the Perform-**  
13 **ing Arts’ and ‘grounds of the John F. Ken-**  
14 **edy Center for the Performing Arts’**  
15 **mean the site in the District of Columbia**  
16 **on which the John F. Kennedy Center**  
17 **building is constructed and which ex-**  
18 **tends to the line of the west face of the**  
19 **west retaining walls and curbs of the**  
20 **Inner Loop Freeway on the east, the**  
21 **north face of the north retaining walls**  
22 **and curbs of the Theodore Roosevelt**  
23 **Bridge approaches on the south, the east**  
24 **face of the east retaining walls and curbs**  
25 **of Rock Creek Parkway on the west, and**

1       **the south curbs of New Hampshire Ave-**  
2        **nue and F Street on the north, as gen-**  
3        **erally depicted on the map entitled**  
4        **‘Transfer of John F. Kennedy Center for**  
5        **the Performing Arts’, numbered 844/**  
6        **82563, and dated April 20, 1994, which**  
7        **shall be on file and available for public**  
8        **inspection in the office of the National**  
9        **Capital Region, National Park Service,**  
10        **Department of the Interior.”.**

11 **SEC. 9. RULES AND REGULATIONS.**

12       **(a) AUTHORITY TO PRESCRIBE.—Section 5(a)**  
13  **of the Act of October 24, 1951 (40 U.S.C. 193r)**  
14  **is amended—**

15               **(1) by striking “Institution and” and**  
16                **inserting “Institution,”; and**

17               **(2) by inserting “, and the Trustees of**  
18                **the John F. Kennedy Center for the Per-**  
19                **forming Arts,” after “National Gallery of**  
20                **Art”.**

21       **(b) AUTHORITY TO SUSPEND.—Section 8 of**  
22  **such Act (40 U.S.C. 193u) is amended by strik-**  
23  **ing “the Secretary of the Smithsonian Institu-**  
24  **tion or the Trustees of the National Gallery of**  
25  **Art or” each place it appears and inserting**

1 **“the Secretary of the Smithsonian Institution,**  
2 **the Trustees of the National Gallery of Art,**  
3 **the Trustees of the John F. Kennedy Center**  
4 **for the Performing Arts, or”.**

5 **(c) BUILDINGS AND GROUNDS DEFINED.—**  
6 **Section 9 of such Act (40 U.S.C. 193v) is**  
7 **amended by adding at the end the following:**

8 **“(3) The site of the John F. Kennedy**  
9 **Center for the Performing Arts, which**  
10 **shall be held to extend to the line of the**  
11 **west face of the west retaining walls and**  
12 **curbs of the Inner Loop Freeway on the**  
13 **east, the north face of the north retaining**  
14 **walls and curbs of the Theodore Roo-**  
15 **sevelt Bridge approaches on the south,**  
16 **the east face of the east retaining walls**  
17 **and curbs of Rock Creek Parkway on the**  
18 **west, and the south curbs of New Hamp-**  
19 **shire Avenue and F Street on the north,**  
20 **as generally depicted on the map entitled**  
21 **‘Transfer of John F. Kennedy Center for**  
22 **the Performing Arts’, numbered 844/**  
23 **82563, and dated April 20, 1994, which**  
24 **shall be on file and available for public**  
25 **inspection in the office of the National**

1       **Capital Region, National Park Service,**  
2       **Department of the Interior.”.**

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