

## Calendar No. 85

105TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
105-30

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### JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

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JUNE 18 (legislative day, JUNE 17), 1997.—Ordered to be printed

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Mr. CHAFEE, from the Committee on Environment and Public  
Works, submitted the following

### REPORT

[To accompany S. 797]

The Committee on Environment and Public Works, to which was referred the bill (S. 797), to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

#### GENERAL STATEMENT

This legislation provides the Board of Trustees of the John F. Kennedy Center for the Performing Arts with the authority to design and construct additions to the parking garage; to make site improvements and modifications; and to develop plans and projects to improve pedestrian and vehicle access to the Center. The construction, site improvements and projects will serve to alleviate the parking shortage currently experienced by patrons of the facility, and improve security of the site.

#### BACKGROUND

The John F. Kennedy Center for the Performing Arts is a national presidential monument and living memorial. The intense use and popularity of the Kennedy Center were not anticipated in the 1960's when the building was designed. The Kennedy Center hosts approximately 4 million visitors annually. The number of visitors and patrons to the Kennedy Center has far exceeded original estimations, and the parking capacity to accommodate such attendance

is severely deficient. Additionally, the configuration of the traffic patterns at the entrance to the Kennedy Center pose security concerns to visitors. To permit the Board of Trustees of the Kennedy Center to address these concerns, Congressional action is necessary.

Section 4 of the John F. Kennedy Center Act (P.L. 103–279), states that no changes may be made to the grounds of the Kennedy Center without the express approval of Congress and the Department of the Interior. This legislation provides the necessary Congressional approval for the Board to proceed with measures to expand the parking capacity and address the security risks by rerouting traffic patterns around the building. Specifically, the legislation provides the Board with the authority to design and construct parking garage additions and site improvements in accordance with a site master plan which has been approved by the Secretary of the Interior by letter dated May 22, 1997. The parking garage additions will be financed through the issuance of industrial revenue bonds which will be repaid from the garage operating revenues of the expanded facility. The legislation explicitly prohibits the use of appropriated funds for the construction of the garage expansion, or repayment of the financing of the project. The current estimated cost is \$25 million.

Additionally, the legislation places a prohibition on the Kennedy Center's use of appropriated funds for any projects designated by the Board to purchase large-screen format equipment for the interpretive film theater or for the production of an interpretive film. These enhancements to the Kennedy Center will also be financed from the issuance of industrial revenue bonds, and the proceeds from the film presentation will be used to repay the bond debt. The current estimated cost of this project is \$11 million.

The legislation also provides the Board with the authority to develop plans and pursue projects to improve pedestrian and vehicle access to the Kennedy Center. In 1997, the Kennedy Center commissioned a security study which concluded that the most important measure to be taken to reduce the risk to the facility and its visitors was to alter the existing traffic patterns at the entrance to the facility. The projects to improve Kennedy Center access will change the existing traffic patterns thereby reducing the security concerns. The roadway to the Kennedy Center will be set back with two "horseshoe" drives for visitor drop-off, especially those arriving by bus. These projects are subject to the approval of the Secretary of the Interior in accordance with the John F. Kennedy Center Act. The Kennedy Center intends to finance these projects with capital improvement funds and Antiterrorism Supplemental (P.L. 104–208) funds appropriated in FY 1997. The current estimated cost is \$3 million.

#### SECTION-BY-SECTION ANALYSIS

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

This section provides the short title of the act as the "John F. Kennedy Center Parking Improvement Act of 1997."

*Section 2. Parking garage additions and site improvements*

This section amends Section 3 of the John F. Kennedy Center Act by redesignating the section heading and adding a subsection (b) which provides the John F. Kennedy Center Board of Trustees with the authority to design and construct a parking garage addition on the north and south ends of the building, and site improvements and modifications in accordance with a site master plan. The site master plan is to be on file for public inspection, in the office of the Secretary of the Kennedy Center. There are to be no appropriated funds to pay: (a) the costs associated with the design or construction of the parking facility; or (b) for the design and construction of the site improvements and modifications specifically designated by the Board.

*Section 3. Pedestrian and vehicular access*

Subsection (a) of this section amends Section 4(a)(1) of the John F. Kennedy Center Act by adding to the duties of the Board of Trustees the duty of ensuring safe and convenient access by pedestrians and vehicles to the Kennedy Center.

Subsection (b) of this section amends Section 5 of the John F. Kennedy Center Act by adding a subsection (g) which directs the Board of Trustees, subject to approval by the Secretary of the Interior, to develop plans and carry out projects to improve pedestrian and vehicle access to the Kennedy Center.

*Section 4. Limitation on use of appropriated funds*

This section amends Section 12 of the John F. Kennedy Center Act to prohibit the Kennedy Center from using appropriated funds to acquire large screen format equipment for an interpretive theater, for production of an interpretive film.

*Section 5. Definition of building and site*

This section amends Section 13 of the John F. Kennedy Center Act and the Relating to the Policing of Public Buildings and Grounds of the Smithsonian Institution and Its Constituent Bureaus Act (also known as the Act of October 24, 1951), by updating the description of the Kennedy Center site.

HEARINGS

No hearings were held on S. 797.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of legislation be noted in the report.

On June 5, 1997, the committee met to consider the S. 797, which was ordered reported by voice vote. No rollcall votes occurred on the bill.

## EVALUATION OF REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate requires publication in the report the committee's estimate of the regulatory impact of the bill as reported. The bill S. 797, as reported from the Committee on Environment and Public Works is expected to impose no regulatory impact.

The bill will not affect the personal privacy of individuals.

## MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee makes the following evaluation of the Federal mandates contained in the reported bill.

S. 797, as reported, imposes no Federal intergovernmental mandates on State, local, or tribal governments.

## COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of a reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 11, 1997.*

Hon. JOHN H. CHAFEE,  
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 797, the John F. Kennedy Center Parking Improvement Act of 1997.

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

Sincerely,

JUNE E. O'NEIL,  
*Director.*

Enclosure.

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S. 797—John F. Kennedy Center Parking Improvement Act of 1997, as ordered by the Senate Committee on Environment and Public Works on June 5, 1997.

S. 797 would amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and other site improvements at the John F. Kennedy Center for the Performing Arts. The bill would not allow appropriated funds to be used for these purposes. It also would prohibit the use of appropriated funds for any project to acquire large screen format equipment for an interpretive theater.

The Kennedy Center is an independently administered bureau of the Smithsonian Institution. Current budgetary practice allows the Smithsonian Institution and the Kennedy Center to establish non-budgetary accounts with funds derived from private sources. The Smithsonian and the Kennedy Center can spend these monies

without appropriations action because the monies are not treated as federal funds. The Kennedy Center estimates that the costs of construction of the parking garage, site improvements, and the large screen format equipment will total \$35 million. The Center anticipates that they will be able to issue tax-exempt industrial revenue bonds (IRBs) through the District of Columbia's IRB program to finance these projects. Recently, the Internal Revenue Service has ruled that agencies receiving federal funds can issue such bonds as long as the bonds are not backed by federal payments. Because no appropriated funds are to be used on these projects, and because of the Kennedy Center's special budgetary status, CBO estimates that there would be no federal costs to enacting S. 797.

S. 797 contains no new private-sector or intergovernmental mandates as defined under the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

This estimate was prepared by Christina Hawley Sadoti. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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:

### TITLE 20. UNITED STATES CODE

#### Chapter 3.—SMITHSONIAN INSTITUTION, NATIONAL MUSEUMS AND ART GALLERIES

#### SUBCHAPTER V—JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

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#### **§ 76i. Construction of building; fund raising; designation as John F. Kennedy Center for the Performing Arts; location and selection of site; acquisition of lands; plans and specifications**

**[The Board]**

(a) *IN GENERAL*—*The Board* shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and relat-

ed facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

(b) *PARKING GARAGE ADDITIONS AND SITE IMPROVEMENTS.*—

(1) *IN GENERAL.*—*Substantially in accordance with the plan entitled “Site Master Plan—Drawing Number 1997-2 April 29, 1997,” and map number NCR 844/82571, the Board may design and construct—*

(A) *an addition to the parking garage at each of the north and south ends of the John F. Kennedy Center for the Performing Arts; and*

(B) *site improvements and modifications.*

(2) *AVAILABILITY.*—*The plan shall be on file and available for public inspection in the office of the Secretary of the Center.*

(3) *LIMITATION ON THE USE OF APPROPRIATED FUNDS.*—*No appropriated funds may be used to pay the costs (including the repayment of obligations incurred to finance costs) of—*

(A) *the design and construction of an addition to the parking garage authorized under paragraph (1)(A); or*

(B) *the design and construction of site improvements and modifications authorized under paragraph (1)(B) that the Board specifically designates will be financed using sources other than appropriated funds.*

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**§ 76j. Duties of Board**

(a) Programs, activities, and goals

(1) In general

The Board shall—

(A) \* \* \*

\* \* \* \* \*

(G) with respect to each feature of the building and site of the John F. Kennedy Center for the Performing Arts that is in existence on July 21, 1994 (including a theater, the garage, the plaza, or a building walkway), plan, design, and construct each capital repair, replacement, improvement, rehabilitation, alteration, or modification necessary for the feature; **[and]**

(H) provide—

(i) information and interpretation; and

(ii) with respect to each feature of the building and site of the John F. Kennedy Center for the Performing Arts that is in existence on July 21, 1994 (including a theater, the garage, the plaza, or a building walkway), all necessary maintenance, repair, and alteration of, and all janitorial, security, and other services and equipment necessary for the operation of, the feature, in a manner consistent with requirements for high quality operations**[.]**; and

(I) ensure that safe and convenient access to the site of the John F. Kennedy Center for the Performing Arts is provided for pedestrians and vehicles.

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**§ 76k. Powers of Board**

(a) Solicitation and acceptance of gifts

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(g) *PEDESTRIAN AND VEHICULAR ACCESS.*—Subject to approval of the Secretary of the Interior under section 4(a)(2)(F), the Board shall develop plans and carry out projects to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

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**§ 76r. Authorization of appropriations**

(a) Maintenance, repair, and security

There are authorized to be appropriated to the board to carry out section 76j(a)(1)(H) of this title \$12,000,000 for each of fiscal years 1995 through 1999.

(b) Capital projects

There are authorized to be appropriated to the board to carry out subparagraphs (F) and (G) of section 76j(A)(1) of this title \$9,000,000 for each of fiscal years 1995 through 1999.

(c) Limitation on use of funds

No funds appropriated pursuant to this section may be used for any direct expense incurred in the production of a performing arts attraction, for personnel who are involved in performing arts administration (including any supply or equipment used by the personnel), for acquiring large screen format equipment for an interpretive theater, for production of an interpretive film, or for production, staging, public relations, marketing, fundraising ticket sales, or education. Funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for any performing arts function and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repair.

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**TITLE 40, UNITED STATES CODE****§ 193v. “Buildings and grounds” defined**

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(3) The site of the John F. Kennedy Center for the Performing Arts, which shall be held to extend 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, Department of the Interior.

