

SEC. 5. REVIEWS, AUDITS, AND CLAIMS.

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

(1) in subsection (c), by striking "its operations" and inserting "the operations of the Board"; and

(2) by striking subsections (e) and (f) and inserting the following new subsections:

"(d) **AUDIT OF ACCOUNTS.**—Not less than once every 3 years, the Comptroller General shall review and audit the accounts of the John F. Kennedy Center for the Performing Arts for the purpose of examining expenditures of funds appropriated under the authority provided by this Act.

"(e) **INSPECTOR GENERAL.**—The functions of the Board funded by funds appropriated pursuant to section 12 shall be subject to the requirements for a Federal entity under the Inspector General Act of 1978 (5 U.S.C. App. 3). The Inspector General of the Smithsonian Institution is authorized to carry out the requirements of such Act on behalf of the Board, on a reimbursable basis when requested by the Board.

"(f) **PROPERTY AND PERSONNEL COMPENSATION.**—

"(1) **IN GENERAL.**—The Board may procure insurance against any loss in connection with the property of the Board and other assets administered by the Board. Each employee and volunteer of the Board shall be considered to be a civil employee of the United States (within the meaning of the term 'employee' as defined in section 8101(1) of title 5, United States Code), except that the Board shall continue to provide benefits with respect to any disability or death resulting from a personal injury to a non-appropriated fund employee of the Board sustained while in the performance of the duties of the employee for the Board pursuant to the workers compensation statute of the jurisdiction in which the John F. Kennedy Center for the Performing Arts is located. The disability or death benefits referred to in the preceding sentence, whether under the workers compensation statute referred to in the preceding sentence or under chapter 81 of title 5, United States Code, shall continue to be the exclusive liability of the Board and the United States with respect to all employees and volunteers of the Board.

"(2) **FEDERAL TORT CLAIMS.**—For the purposes of chapter 171 of title 28, United States Code, an employee of the Board shall be considered to be an 'employee of the government' and the Board shall be considered to be a 'Federal agency'. No employee of the Board may bring suit against the United States or the Board under the Federal tort claims procedure of chapter 171 of title 28, United States Code, for disability or death resulting from personal injury sustained while in the performance of the duties of the employee for the Board."

SEC. 6. TECHNICAL AMENDMENTS.

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

(1) by striking "he" and inserting "the Secretary"; and

(2) by striking "his judgment" and inserting "the judgment of the Secretary".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended by adding at the end the following new section:

"SEC. 12. 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) \$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 4(a)(1) \$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), 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."

SEC. 8. DEFINITIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) (as amended by section 7) is further amended by adding at the end the following new section:

"SEC. 13. DEFINITIONS.

"As used in this Act, the terms 'building and site of the John F. Kennedy Center for the Performing Arts' and 'grounds of the John F. Kennedy Center for the Performing Arts' refer to the site in the District of Columbia on which the John F. Kennedy Center building is constructed and that extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563, and dated April 20, 1994, 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."

SEC. 9. RULES AND REGULATIONS.

(a) **AUTHORITY TO PRESCRIBE.**—Section 5(a) of the Act of October 24, 1951 (65 Stat. 634; chapter 559; 40 U.S.C. 193r(a)), is amended—

(1) by striking "Institution and" and inserting "Institution,"; and

(2) by inserting ", and the Trustees of the John F. Kennedy Center for the Performing Arts," after "National Gallery of Art".

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

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

"(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, 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."

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. TRAFICANT and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶71.6 ANTITRUST AND COMMUNICATIONS REFORM

Mr. BROOKS moved to suspend the rules and pass the bill (H.R. 3626) to supersede the Modification of Final Judgment entered August 24, 1982, in the antitrust action styled U.S. v. Western Electric, Civil Action No. 82-0192, United States District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. BROOKS and Mr. FISH, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PETRI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

¶71.7 TELEPHONE/CABLE COMMUNICATIONS COMPETITION

Mr. MARKEY moved to suspend the rules and pass the bill (H.R. 3636) to promote a national communications infrastructure to encourage deployment of advanced communications services through competition, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. MARKEY and Mr. FIELDS of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.