

§ 76c. Policy to foster appreciation of past and contemporary art

(a) Solicitations of private donations

It shall be the policy of the Regents to maintain a worthy standard for the acceptance of art objects for exhibition in the Gallery, and to foster by public exhibitions from time to time in Washington, and other parts of the United States a growing appreciation of art, both of past and contemporary time; and the Regents are authorized to solicit and receive private donations of works of art and contributions of funds from private sources for the purchase of works of art. Funds so received shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purchase of works of art.

(b) Solicitation of funds to acquire and sell works of art, employ artists, award scholarships, etc.

In order to encourage the development of contemporary art and to effect the widest distribution and cultivation in matters of such art, the Regents are authorized to solicit and receive funds from private sources, to acquire (by purchase or otherwise) and sell contemporary works of art or copies thereof, to employ artists and other personnel, award scholarships, conduct exhibitions, and generally to do such things and have such other powers as will effectuate the purposes of this subsection. Funds received by the Regents under this subsection shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purposes enumerated in this subsection and for no other purposes: *Provided*, That the Regents shall not incur any obligations under this subsection in excess of the funds available therefor.

(May 17, 1938, ch. 238, § 4, 52 Stat. 400.)

§ 76d. Donations of works of art from Government agencies

The Administrator of General Services and other agencies of the Government are authorized to donate to the Gallery any works of art now or hereafter under their control.

(May 17, 1938, ch. 238, § 5, 52 Stat. 401; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 FR 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, transferred to Administrator of General Services, and Federal Works Agency and office of Federal Works Administrator abolished by section 103 of act June 30, 1949. See Historical and Revision Notes under section 303(b) of Title 40, Public Buildings, Property, and Works. Section 303(b) of Title 40 was amended generally by Pub. L. 109-313, § 2(a)(1), Oct. 6, 2006, 120 Stat. 1734, and, as so amended, no longer relates to the Federal Works Agency and Commissioner of Public Buildings. See 2006 Amendment note under section 303 of Title 40.

Public Buildings Branch of Procurement Division in Treasury Department and Public Works Administration and other agencies were consolidated into Federal Works Agency, and functions transferred to Federal

Works Administrator, by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

§ 76e. Housing or exhibiting objects of art possessed by Smithsonian Institution

Such objects of art as the Government or the Smithsonian Institution now possess, or such as may hereafter be acquired, may be housed or exhibited in the Gallery, with the approval of and under such regulations as the Regents and Secretary of the Smithsonian Institution may prescribe.

(May 17, 1938, ch. 238, § 6, 52 Stat. 401.)

§ 76f. Appointment, compensation, and duties of Director of Gallery; personnel

The Regents may appoint and fix the compensation and duties of a Director of the Gallery and may employ such other officers and employees as may be necessary for the efficient operation and administration of the Gallery.

(May 17, 1938, ch. 238, § 7, 52 Stat. 401.)

§ 76g. Authorization of appropriations

There are authorized to be appropriated annually such sums as may be necessary to maintain and administer the Gallery, including the salaries of the Director and of other necessary officers and employees, and for special public exhibitions at Washington and elsewhere.

(May 17, 1938, ch. 238, § 8, 52 Stat. 401.)

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

§ 76h. Board of Trustees

(a) Establishment

(1) In general

There is established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereafter in this subchapter referred to as the "Board"), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy, and to execute such other functions as are vested in the Board by this subchapter.

(2) Membership

The Board shall be composed of—

(A) the Secretary of Health and Human Services;

(B) the Librarian of Congress;

(C) the Secretary of State;

(D) the Chairman of the Commission of Fine Arts;

(E) the Mayor of the District of Columbia;

(F) the Superintendent of Schools of the District of Columbia;

(G) the Director of the National Park Service;

(H) the Secretary of Education;

(I) the Secretary of the Smithsonian Institution;

(J)(i) the Speaker and the Minority Leader of the House of Representatives;

(ii) the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives; and

(iii) three additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;

(K)(i) the Majority Leader and the Minority Leader of the Senate;

(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and

(iii) three additional Members of the Senate appointed by the President of the Senate; and

(L) thirty-six general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b) of this section.

(b) General trustees

The general trustees shall be appointed by the President of the United States. Each trustee shall hold office as a member of the Board for a term of 6 years, except that—

(1) any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term;

(2) a member shall continue to serve until the successor of the member has been appointed; and

(3) the term of office of a member appointed before July 21, 1994, shall expire as designated at the time of appointment.

(c) Advisory Committee on the Arts

There shall be an Advisory Committee on the Arts composed of such members as the President of the United States may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the John F. Kennedy Center for the Performing Arts. The President shall designate the Chairman of the Advisory Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried out by the John F. Kennedy Center for the Performing Arts. The Advisory Committee on the Arts shall assist the Board in carrying out section 76k(a) of this title. Members of the Advisory Committee on the Arts shall serve without compensation.

(Pub. L. 85-874, §2, Sept. 2, 1958, 72 Stat. 1698; Pub. L. 88-100, §§1, 2, Aug. 19, 1963, 77 Stat. 128; Pub. L. 88-260, §1(2), Jan. 23, 1964, 78 Stat. 4; Pub. L. 103-279, §2(b)(1), (c), (d), July 21, 1994, 108 Stat. 1409, 1410; Pub. L. 107-117, div. D, title II, §201(a), Jan. 10, 2002, 115 Stat. 2353; Pub. L. 110-338, §2, Oct. 3, 2008, 122 Stat. 3731.)

AMENDMENTS

2008—Subsec. (a)(2)(J)(ii). Pub. L. 110-338 substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

2002—Subsec. (a). Pub. L. 107-117 designated existing provisions as par. (1), inserted par. heading, struck out “hereby” before “established”, struck out second sentence, and added par. (2). Prior to amendment, second sentence read as follows: “The Board shall be composed as follows: The Secretary of Health and Human Services, the Librarian of Congress, the Director of the United States Information Agency, the Chairman of the Commission of Fine Arts, the Mayor of the District of Columbia, the Superintendent of Schools of the District of Columbia, the Director of the National Park Service, the Secretary of Education, the Secretary of the Smithsonian Institution, the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives and 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives, and the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate and 3 additional Members of the Senate appointed by the President of the Senate ex officio; and thirty general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.”

1994—Pub. L. 103-279, §2(b)(1)(A), substituted section catchline for former section catchline.

Subsec. (a). Pub. L. 103-279, §2(b)(1)(A), inserted heading, in first sentence inserted “as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy,” after “and site thereof”, and in second sentence substituted “Superintendent of Schools of the District of Columbia” for “Chairman of the District of Columbia Recreation Board” and “the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives and 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives, and the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate and 3 additional Members of the Senate appointed by the President of the Senate” for “three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives”.

Subsec. (b). Pub. L. 103-279, §2(c), inserted heading and amended text generally. Prior to amendment, text read as follows: “The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to August 19, 1963, shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972.”

Subsec. (c). Pub. L. 103-279, §2(d), inserted heading, inserted “of the United States” before “may designate” in first sentence, substituted “carried out by the John” for “carried on in the John” in fifth sentence, and struck out before period at end of last sentence “, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee”.

1964—Subsecs. (a), (c). Pub. L. 88-260 substituted “John F. Kennedy Center for the Performing Arts” for “National Cultural Center” wherever appearing.

1963—Subsec. (a). Pub. L. 88-100, §1, substituted “thirty” for “fifteen” after “ex officio; and”.

Subsec. (b). Pub. L. 88-100, §2, inserted provisions governing the terms of the additional fifteen general trustees added to the Board by section 1 of Pub. L. 88-100.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-279, §2(b)(2), July 21, 1994, 108 Stat. 1410, provided that:

“(A) SUPERINTENDENT OF SCHOOLS OF THE DISTRICT OF COLUMBIA.—The amendment made by paragraph (1)(C)(i) [amending this section] shall take effect on the date of expiration of the term of the Chairman of the District of Columbia Recreation Board serving as a trustee of the John F. Kennedy Center for the Performing Arts on the date of enactment of this Act [July 21, 1994].

“(B) MEMBERS OF CONGRESS.—The amendment made by paragraph (1)(C)(ii) [amending this section] shall take effect on the date of enactment of this Act.”

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-131, §1, June 8, 2012, 126 Stat. 377, provided that: “This Act [amending sections 76i and 76r of this title] may be cited as the ‘John F. Kennedy Center Reauthorization Act of 2012.’”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-338, §1, Oct. 3, 2008, 122 Stat. 3731, provided that: “This Act [enacting section 76m of this title, amending this section and section 76r of this title, and enacting provisions set out as a note under this section] may be cited as the ‘John F. Kennedy Center Reauthorization Act of 2008.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-410, §1, Oct. 30, 2004, 118 Stat. 2303, provided that: “This Act [amending sections 76q-1 and 76r of this title] may be cited as the ‘John F. Kennedy Center Reauthorization Act of 2004.’”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-224, §1, Sept. 18, 2002, 116 Stat. 1340, provided that: “This Act [enacting section 76q-1 of this title and amending sections 76j, 76r, and 76s of this title] may be cited as the ‘John F. Kennedy Center Plaza Authorization Act of 2002.’”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-226, §1, Aug. 12, 1998, 112 Stat. 1513, provided that: “This Act [amending sections 76j, 76l, and 76r of this title] may be cited as the ‘John F. Kennedy Center for the Performing Arts Authorization Act of 1998.’”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-95, §1, Nov. 19, 1997, 111 Stat. 2148, provided that: “This Act [amending sections 76i to 76k and 76s of this title and section 193v of former Title 40, Public Buildings, Property, and Works] may be cited as the ‘John F. Kennedy Center Parking Improvement Act of 1997.’”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-279, §1, July 21, 1994, 108 Stat. 1409, provided that: “This Act [enacting sections 76r and 76s of this title, amending this section, sections 76j, 76k, 76l, and 76p of this title, and sections 193r, 193u, and 193v of former Title 40, Public Buildings, Property, and Works, enacting provisions set out as notes under this section, and amending provisions set out as a note under this section] may be cited as the ‘John F. Kennedy Center Act Amendments of 1994.’”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-473, title I, §101(c), Oct. 12, 1984, 98 Stat. 1837, 1876, provided that: “The following [amending sec-

tion 76o of this title] may be cited as ‘The John F. Kennedy Center Act Amendments of 1984.’”

SHORT TITLE OF 1963 AMENDMENT

Pub. L. 88-100, §5, Aug. 19, 1963, 77 Stat. 128, provided that: “This Act [amending this section and sections 76l and 76m of this title] may be cited as the ‘National Cultural Center Amendments Act of 1963.’”

SHORT TITLE

Section 1(a), formerly §1, of Pub. L. 85-874, as amended by Pub. L. 88-260, §1(1), Jan. 23, 1964, 78 Stat. 4; redesignated §1(a), Pub. L. 103-279, §2(a)(1), July 21, 1994, 108 Stat. 1409, provided that: “This Act [enacting this subchapter] may be cited as the ‘John F. Kennedy Center Act.’”

EXISTING AUTHORITIES

Pub. L. 110-338, §5, Oct. 3, 2008, 122 Stat. 3732, provided that: “Nothing in this Act [see Short Title of 2008 Amendment note above] limits or otherwise affects the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.”

TERMS OF OFFICE FOR NEW GENERAL TRUSTEES

Pub. L. 107-117, div. D, title II, §201(b), Jan. 10, 2002, 115 Stat. 2354, provided that: “Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) [amending this section] (referred to in this subsection as a ‘new general trustee’), except that the initial term of office of each new general trustee shall—

- “(1) commence on the date on which the new general trustee is appointed by the President; and
- “(2) terminate on September 1, 2007.”

NATIONAL CULTURAL CENTER; DESIGNATION OR REFERENCES

Pub. L. 88-260, §2, Jan. 23, 1964, 78 Stat. 5, provided that: “In addition to the amendments made by the first section of this Act [enacting sections 76n to 76q, and amending sections 76h to 76q of this title], any designation or reference to the National Cultural Center in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such Center as the John F. Kennedy Center for the Performing Arts.”

CONGRESSIONAL FINDINGS

Section 1(b) of Pub. L. 85-874, as added by Pub. L. 103-279, §2(a)(2), July 21, 1994, 108 Stat. 1409, provided that: “Congress finds that—

- “(1) the late John Fitzgerald Kennedy served with distinction as President of the United States and as a Member of the Senate and the House of Representatives;
- “(2) by the untimely death of John Fitzgerald Kennedy the United States and the world have suffered a great loss;
- “(3) the late John Fitzgerald Kennedy was particularly devoted to education and cultural understanding and the advancement of the performing arts;
- “(4) it is fitting and proper that a living institution of the performing arts, designated as the National Center for the Performing Arts, named in the memory and honor of this great leader, shall serve as the sole national monument to his memory within the District of Columbia and its environs;
- “(5) such a living memorial serves all of the people of the United States by preserving, fostering, and transmitting the performing arts traditions of the people of the United States and other countries by producing and presenting music, opera, theater, dance, and other performing arts; and
- “(6) such a living memorial should be housed in the John F. Kennedy Center for the Performing Arts, located in the District of Columbia.”

§ 76i. John F. Kennedy Center for the Performing Arts

(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 related 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 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);

(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; or

(C) any project to acquire large screen format equipment for an interpretive theater, or to produce an interpretive film, that the Board specifically designates will be financed using sources other than appropriated funds.

(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 additional 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 76j(b) of this title.

(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 June 8, 2012) accessibility and education functions of the Center; and

(C) will become part of the existing (as of June 8, 2012) structure of the Center.

(Pub. L. 85-874, §3, Sept. 2, 1958, 72 Stat. 1699; Pub. L. 88-260, §1(2), Jan. 23, 1964, 78 Stat. 4; Pub. L. 105-95, §2, Nov. 19, 1997, 111 Stat. 2148; Pub. L. 112-131, §2, June 8, 2012, 126 Stat. 377.)

AMENDMENTS

2012—Subsec. (c). Pub. L. 112-131 added subsec. (c).

1997—Pub. L. 105-95 substituted section catchline for former section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

1964—Pub. L. 88-260 substituted "John F. Kennedy Center for the Performing Arts" for "National Cultural Center" wherever appearing.