

96 Stat. 128; Pub. L. 101-449, §§ 1-3, Oct. 22, 1990, 104 Stat. 1050; Pub. L. 102-500, § 1, Oct. 24, 1992, 106 Stat. 3267; Pub. L. 103-279, § 5, July 21, 1994, 108 Stat. 1414; Pub. L. 105-226, § 4, Aug. 12, 1998, 112 Stat. 1513.)

#### REFERENCES IN TEXT

Section 76r of this title, referred to in subsec. (d), was in the original a reference to section 12 of Pub. L. 85-874. Section 12 of Pub. L. 85-874 was renumbered as section 13, and a new section 12 was added, by Pub. L. 107-224, § 2, Sept. 18, 2002, 116 Stat. 1340. Sections 12 and 13 are classified to sections 76q-1 and 76r, respectively, of this title.

The Inspector General Act of 1978, referred to in subsec. (d), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

1998—Subsecs. (d) to (f). Pub. L. 105-226 redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out heading and text of former subsec. (d). Text read as follows: “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 subchapter.”

1994—Subsec. (c). Pub. L. 103-279, § 5(1), substituted “the operations of the Board” for “its operations”.

Subsecs. (d) to (f). Pub. L. 103-279, § 5(2), added subsecs. (d) to (f) and struck out former subsec. (e) which related to maintenance, repair, alteration, security, information, and other services and former subsec. (f) which related to audits.

1992—Subsec. (e)(3). Pub. L. 102-500 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “There is authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

“(A) for fiscal year 1991, not more than—

“(i) \$6,750,000 for annual maintenance, repairs, alterations, and operating services; and

“(ii) \$15,000,000 for deferred maintenance, repairs, and alterations; and

“(B) for fiscal year 1992, not more than—

“(i) \$9,850,000 for annual maintenance, repairs, alterations, and operating services; and

“(ii) \$15,512,000 for deferred maintenance, repairs, and alterations.”

1990—Subsec. (d). Pub. L. 101-449, § 3, struck out subsec. (d) which read as follows: “The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 76j of this title, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial.”

Subsec. (e). Pub. L. 101-449, § 1, amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is authorized to be appropriated to carry out this subsection not to exceed \$2,800,000 for the fiscal year ending June 30, 1976, \$741,000 for the transition period ending September 30, 1976, \$3,100,000 for the fiscal year ending September 30, 1977, and \$4,000,000 for the fiscal year ending September 30, 1978. There is authorized to be appropriated to carry out this subsection not to exceed \$4,200,000 for the fiscal year ending September 30, 1979. There is authorized to be appropriated to carry out this subsection not to exceed \$4,287,000 for the fiscal year ending September 30, 1980, and not to exceed \$4,400,000 for the fiscal year ending September 30, 1981, and not to exceed \$4,544,000 for the fiscal year end-

ing September 30, 1982, and not to exceed \$4,247,000 for the fiscal year ending September 30, 1983.”

Subsec. (f). Pub. L. 101-449, § 2, amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “The General Accounting Office is authorized and directed to review and audit, regularly, the accounts of the Kennedy Center for the Performing Arts, for the purpose of determining the continuing ability of the Center to pay its share of future operating costs, and for the purpose of assuring that the cost-of-living formula fairly and accurately reflects the use of the building.”

1982—Subsec. (e). Pub. L. 97-202 inserted provisions authorizing an appropriation of not to exceed \$4,247,000 for fiscal year ending Sept. 30, 1983.

1981—Subsec. (e). Pub. L. 97-73 inserted provision authorizing an appropriation of not to exceed \$4,544,000 for fiscal year ending Sept. 30, 1982.

1980—Subsec. (e). Pub. L. 96-587 inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1980, and Sept. 30, 1981.

1978—Subsec. (e). Pub. L. 95-305 inserted provisions authorizing appropriations for fiscal year ending Sept. 30, 1979.

1977—Subsec. (e). Pub. L. 95-50 substituted provisions authorizing an appropriation of \$4,000,000 for fiscal year ending Sept. 30, 1978, for provisions authorizing appropriations of \$4,000,000 for fiscal year ending Sept. 30, 1978, and not to exceed \$4,300,000 for the fiscal year ending Sept. 30, 1979.

1976—Subsec. (e). Pub. L. 94-578 substituted provisions authorizing appropriations for fiscal years ending Sept. 30, 1978, and Sept. 30, 1979, for provisions covering fiscal years ending Sept. 30, 1976, Sept. 30, 1977, and transitional period ending Sept. 30, 1976.

1975—Subsec. (e). Pub. L. 94-119, § 1, inserted provisions authorizing appropriations for fiscal year ending June 30, 1976, for the transitional period ending Sept. 30, 1976, and for fiscal year ending Sept. 30, 1977.

Subsec. (f). Pub. L. 94-119, § 2, added subsec. (f).

1973—Subsec. (e). Pub. L. 93-67 substituted provisions authorizing appropriations not to exceed \$2,400,000 for fiscal year ending June 30, 1974, and \$2,500,000 for fiscal year ending June 30, 1975, for provision granting general authorization of appropriation for fiscal year ending June 30, 1973.

1972—Subsec. (e). Pub. L. 92-313 added subsec. (e).

1964—Subsec. (c). Pub. L. 88-260, § 1(4), inserted “and to Congress” after “Smithsonian Institution”.

Subsec. (d). Pub. L. 88-260, § 1(5), added subsec. (d).

1963—Subsec. (a). Pub. L. 88-100 substituted “twelve” for “eight” after “vacancies and”.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c) of this section relating to submitting annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 192 of House Document No. 103-7.

#### AWARD OF SERVICE CONTRACTS

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1782, provided: “That contracts hereafter awarded for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.”

### § 76m. Photovoltaic system

#### (a) In general

The Board may study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

#### (b) Report

Not later than 60 days before beginning construction of the photovoltaic system pursuant

to subsection (a), the Board shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the feasibility and design of the project.

(Pub. L. 85-874, § 7, as added, Pub. L. 110-338, § 3, Oct. 3, 2008, 122 Stat. 3731.)

#### PRIOR PROVISIONS

A prior section 76m, Pub. L. 85-874, § 7, Sept. 2, 1958, 72 Stat. 1700; Pub. L. 86-297, Sept. 21, 1959, 73 Stat. 573; Pub. L. 88-100, § 4, Aug. 19, 1963, 77 Stat. 128; Pub. L. 88-260, § 1(2), Jan. 23, 1964, 78 Stat. 4; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095, which related to termination of offices created and appointments made in connection with John F. Kennedy Center for the Performing Arts if moneys were not found to construct the Center within eight years after Sept. 2, 1958, was repealed by Pub. L. 101-449, § 3, Oct. 22, 1990, 104 Stat. 1050.

#### § 76n. Repealed. Pub. L. 101-449, § 3, Oct. 22, 1990, 104 Stat. 1050

Section, Pub. L. 85-874, § 8, as added Pub. L. 88-260, § 1(6), Jan. 23, 1964, 78 Stat. 4; amended Pub. L. 91-90, § 1(a), Oct. 17, 1969, 83 Stat. 135; Pub. L. 92-313, § 9, June 16, 1972, 86 Stat. 222; Pub. L. 95-50, § 1, June 20, 1977, 91 Stat. 232, authorized appropriations for construction, repair, renovation, and reconstruction of John F. Kennedy Center for the Performing Arts.

#### § 76o. Borrowing authority to finance parking facilities

##### (a) Revenue bonds

To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than \$20,400,000. Such obligations shall have maturities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31 and the purposes for which securities may be issued under chapter 31 of title 31 are extended to include any purchases of the Board's obligations under this section.

##### (b) Interest

Effective as of October 12, 1984, the obligations of the Board incurred under subsection (a) of this section shall bear no interest, and the requirement of the Board to pay the unpaid interest which has accrued on such obligations is terminated.

##### (c) Kennedy Center Revenue Bond Sinking Fund

There is hereby established in the Treasury of the United States a sinking fund, the Kennedy Center Revenue Bond Sinking Fund (hereinafter referred to as the "Fund"), which shall be used to retire the obligations of the Board incurred

under subsection (a) of this section upon the respective maturities of such obligations. The Board shall pay into the Fund, beginning on January 1, 1987 and ending on January 1, 2016, the annual sum of \$200,000 in amortization of the principal amount of the obligations. Such sums shall be invested by the Secretary of the Treasury in public debt securities with maturities suitable for the needs of the Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. The interest on such investments shall be credited to and form a part of the Fund. Moneys in the Fund shall be used exclusively to retire the obligations of the Board incurred under subsection (a) of this section. Adjustments of not greater than plus or minus 5 per centum may be made from time to time in the annual payments to the Fund in order to correct any gains or deficiencies as a result of fluctuations in interest rates over the life of the investments: *Provided, however*, That a final adjustment shall be made between the Board and the Secretary of the Treasury at the end of the amortization period to correct any overall gain or deficiency in the Fund. The terms of this adjustment shall be covered by a memorandum of understanding between the Board and the Secretary of the Treasury to be consummated on or before the time the initial payment into the Fund is made.

(Pub. L. 85-874, § 9, as added Pub. L. 88-260, § 1(6), Jan. 23, 1964, 78 Stat. 5; amended Pub. L. 91-90, § 1(b), Oct. 17, 1969, 83 Stat. 135; Pub. L. 98-473, title I, § 101(c), Oct. 12, 1984, 98 Stat. 1837, 1876; Pub. L. 101-449, § 4, Oct. 22, 1990, 104 Stat. 1051.)

#### AMENDMENTS

1990—Subsec. (a). Pub. L. 101-449 substituted "chapter 31 of title 31" for "the Second Liberty Bond Act, as amended," in two places.

1984—Pub. L. 98-473 designated existing provisions as subsec. (a), struck out provisions relating to interest on bonds, and added subsecs. (b) and (c).

1969—Pub. L. 91-90 substituted "\$20,400,000" for "\$15,400,000" in two places.

#### § 76p. Acceptance and disposition of gifts to the United States contributed in honor or memory of the late President John F. Kennedy

The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which the Secretary finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this subchapter, as in the judgment of the Secretary will best effectuate the intent of the donor.

(Pub. L. 85-874, § 10, as added Pub. L. 88-260, § 1(6), Jan. 23, 1964, 78 Stat. 5; amended Pub. L. 103-279, § 6, July 21, 1994, 108 Stat. 1415.)

#### AMENDMENTS

1994—Pub. L. 103-279 substituted "which the Secretary finds" for "which he finds" and "the judgment of the Secretary" for "his judgment".