United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510–6175

July 21, 2026

Matt Floca
Executive Director
The John F. Kennedy Center for the Performing Arts
2700 F Street NW
Washington, DC 20566

Dear Mr. Floca:

It is part of your job to understand the concerns of your Board members and respond to those concerns in good faith. Your latest correspondence seems at cross purposes with my concerns, so let me be more clear. Please note that I express these concerns not only as a Board member but also as Ranking Member of the U.S. Senate committee with oversight jurisdiction.

My point about departing from FAR procedures is that it lowered the gates for self-dealing and impropriety; and seemingly, self-dealing and impropriety followed. Whether or not FAR procedures are mandated by law is not the point; the point is that they were for years an established part of the Center's administrative protocol and provide a well-known guardrail against self-dealing and impropriety. I would further submit that, at minimum, removing such a guardrail ought to be a Board decision, with due diligence performed in the presentation of that choice to the Board.

The court decision you cite is a red herring. In that case, non-Board plaintiffs sought a preliminary order that would have halted renovations until the Center completed required historic planning reviews and obtained congressional authorization. Even in declining to enter that order on narrow evidentiary grounds, the Court did not credit the Center's "engineering-first data" but rather condemned the "paucity of concrete details."[1] But more to the point, the court decision you ignore—which came from the same judge on the same day—faulted the Center's due diligence in reaching the decision to close entirely for repairs, and referred the question back to the Center for a proper determination.[2] There is a credible case to be made that the Center's closure was done to mask further due diligence failures.[3] The court found that installing a new name on the Center was illegal.[4] Not only was the Center's due diligence as to the legality of

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[1] *DC Preservation League* v. *Board of Trustees of the John F. Kennedy Center for the Performing Arts*, No. 26-cv-981 (CRC) (D.D.C. May 29, 2026), slip op. at 3.
[2] *Beatty* v. *Trump*, No. 25-cv-4480 (CRC) (D.D.C. May 29, 2026), slip op. at 15-17, 83, 91-92 (finding that the closure decision "reflected an under-informed reversal . . . premised on a cursory, one-sided accounting of the benefits and drawbacks").
[3] *Id.*
[4] *Id.* at 51-53.

that a proven failure, but as far as I can tell, there was zero due diligence done as to the likely effect of that naming decision on the business operations of the Center.[5]

Now the clock is running on the ability of the Center to revive activities and generate revenues. The *Beatty* decision came down on May 29, 2026.[6] The next board meeting has been delayed to August. The last meeting presented no information on a plan to reboot a robust schedule of activities or reconsider the flawed closure decision. That's a long time with no seeming activity. If the effect is to let the Center die from inaction, and to force the full closure of the Center for lack of timely Board action, that would seem to fail every test of diligence.

Forcing the Center into full closure through inaction and delay, and with no diligent effort to review and remediate the problems that caused the collapse in Center performances and revenues, would avoid hard questions about the propriety and effect of the original illegal renaming decision—but avoiding that question is not a legitimate purpose under the responsibilities the Board should meet regarding our duty to the Center.

This is now, it seems, in the nature of an emergency. Why no proper engineering and construction report to the Board comparing options? Why no apparent plan for the Board to reboot activities and revenues, and analyze factors that impede such a recovery? Why no report from our accountants on the revenues and donations situation the Center faces? Why no review by counsel of the Board's due diligence responsibilities in the wake of a judicial finding of due diligence failure? I do not see show-and-tell tours around the Center being useful without these basic elements of due diligence in the Board's hands.

Most of the Center's effort in the last board meeting was to discuss a legally imaginary fund[7] and unsuccessfully pursue a vain appeal,[8] and you then tarped over without board approval the removal of the illegal naming.[9] All of this suggests that our duties to the Center as an institution are falling a very distant second to an unhelpful (to the Center) and legally irrelevant effort to placate the individual whose name was removed rather than address the serious problems that have been created at the Center and to respond diligently to the court's decision.

I hope this letter helps clarify my concerns for you. I reiterate my request for documents that support your claims and answers to all questions in my July 9, 2026, letter by July 23, 2026.

Sincerely,

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[5] *See id.* at 9-10 (recounting defendants' concession that "no discussion" took place "about the potential risks or consequences of the renaming").

[6] *Beatty*, No. 25-cv-4480.

[7] *See* Emma Nicholson, "Kennedy Center to establish new endowment in Trump's name after court forces name change," *CBS News* (June 14, 2026); *see also* Sheldon Whitehouse, tweet, June 14, 2026 ("[T]hat's not true. As Kennedy Center counsel confirmed at the meeting, there was preamble language about an endowment, but the operative language we actually voted on neither approved nor created an endowment." (citing Nicholson)).

[8] Order, *Beatty* v. *Trump*, No. 26-5224 (D.C. Cir. July 8, 2026) (denying the Center's motion for a stay pending appeal for failure to show irreparable harm, including fundraising harm from removing President Trump's name).

[9] *See* Appellee's Opp'n to Mot. for Stay at 9, *Beatty* v. *Trump*, No. 26-5224 (D.C. Cir. filed June 22, 2026) (describing a "semi-permanent tarp" that covers the space on the side of the Center that had displayed President Trump's name).

Sheldon Whitehouse
United States Senator
Ranking Member
Committee on Environment
and Public Works

cc: President Donald J. Trump
Chairman, Kennedy Center Board of Trustees