

107TH CONGRESS
2D SESSION

H. R. 5012

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2002

Received

AN ACT

To amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “John F. Kennedy Cen-
 5 ter Plaza Authorization Act of 2002”.

6 **SEC. 2. JOHN F. KENNEDY CENTER PLAZA.**

7 The John F. Kennedy Center Act (20 U.S.C. 76h et
 8 seq.) is amended—

9 (1) by redesignating sections 12 and 13 as sec-
 10 tions 13 and 14, respectively; and

11 (2) by inserting after section 11 the following:

12 **“SEC. 12. JOHN F. KENNEDY CENTER PLAZA.**

13 “(a) DEFINITIONS.—In this section, the following
 14 definitions apply:

15 “(1) AIR RIGHTS.—The term ‘air rights’ means
 16 real property interests conveyed by deed, lease, or
 17 permit for the use of space between streets and
 18 alleys within the boundaries of the Project.

19 “(2) CENTER.—The term ‘Center’ means the
 20 John F. Kennedy Center for the Performing Arts.

21 “(3) GREEN SPACES.—The term ‘green spaces’
 22 means areas within the boundaries of the Project or
 23 affected by the Project that are covered by grass,
 24 trees, or other vegetation.

1 “(4) PLAZA.—The term ‘Plaza’ means improve-
2 ments to the area surrounding the John F. Kennedy
3 Center building carried out under the Project and
4 comprised of transportation elements (including
5 roadways, sidewalks, and bicycle lanes) and non-
6 transportation elements (including landscaping,
7 green space, open public space, water, sewer, and
8 utility connections).

9 “(5) PROJECT.—The term ‘Project’ means the
10 Plaza project, as described in the TEA–21 report,
11 providing for construction of a Plaza adjacent to the
12 Center and for improved bicycle, pedestrian, and ve-
13 hicular access to and around the Center. The term
14 includes planning, design, engineering, and construc-
15 tion of the Plaza, buildings to be constructed on the
16 Plaza, and related transportation improvements and
17 may include any other elements of the Project iden-
18 tified in the TEA–21 report.

19 “(6) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Transportation.

21 “(7) TEA–21 REPORT.—The term ‘TEA–21 re-
22 port’ means the report of the Secretary submitted to
23 Congress under section 1214 of the Transportation
24 Equity Act for the 21st Century (20 U.S.C. 76j
25 note; 112 Stat. 204).

1 “(b) RESPONSIBILITIES OF THE SECRETARY.—

2 “(1) IN GENERAL.—The Secretary shall be re-
3 sponsible for the Project and may undertake such
4 activities as may be necessary to construct the
5 Project, other than buildings to be constructed on
6 the Plaza, substantially as described in the TEA-21
7 report.

8 “(2) PLANNING, DESIGN, ENGINEERING, AND
9 CONSTRUCTION.—The Secretary shall be responsible
10 for the planning, design, engineering, and construc-
11 tion of the Project, other than buildings to be con-
12 structed on the Plaza.

13 “(3) AGREEMENTS WITH THE BOARD AND
14 OTHER AGENCIES.—The Secretary shall enter into
15 memoranda of agreement with the Board and any
16 appropriate Federal or other governmental agency to
17 facilitate the planning, design, engineering, and con-
18 struction of the Project.

19 “(4) CONSULTATION WITH THE BOARD.—The
20 Secretary shall consult with the Board to maximize
21 efficiencies in planning and executing the Project,
22 including the construction of any buildings on the
23 Plaza.

24 “(5) CONTRACTS.—Subject to the approval of
25 the Board, the Secretary may enter into contracts

1 on behalf of the Center related to the planning, de-
2 sign, engineering, and construction of the Project.

3 “(c) RESPONSIBILITIES OF THE BOARD.—

4 “(1) IN GENERAL.—The Board may undertake
5 such activities as may be necessary to construct
6 buildings on the Plaza for the Project.

7 “(2) RECEIPT OF TRANSFERS OF AIR
8 RIGHTS.—The Board may receive from the District
9 of Columbia such transfers of air rights as may be
10 necessary for the planning, design, engineering, and
11 construction of the Project.

12 “(3) CONSTRUCTION OF BUILDINGS.—The
13 Board may construct, with non-appropriated funds,
14 buildings on the Plaza for the Project and shall be
15 responsible for the planning, design, engineering,
16 and construction of the buildings.

17 “(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

18 “(A) IN GENERAL.—The Board may ac-
19 knowledge private contributions used in the
20 construction of buildings on the Plaza for the
21 Project in the interior of the buildings, but may
22 not acknowledge private contributions on the
23 exterior of the buildings.

24 “(B) APPLICABILITY OF OTHER REQUIRE-
25 MENTS.—Any acknowledgment of private con-

1 tributions under this paragraph shall be con-
2 sistent with the requirements of section 4(b).

3 “(d) RESPONSIBILITIES OF THE DISTRICT OF CO-
4 LUMBIA.—

5 “(1) MODIFICATION OF HIGHWAY SYSTEM.—

6 Notwithstanding any State or local law, the Mayor
7 of the District of Columbia, in consultation with the
8 National Capital Planning Commission and the Sec-
9 retary, shall have exclusive authority to amend or
10 modify the permanent system of highways of the
11 District of Columbia as may be necessary to meet
12 the requirements and needs of the Project.

13 “(2) CONVEYANCES.—

14 “(A) AUTHORITY.—Notwithstanding any
15 State or local law, the Mayor of the District of
16 Columbia shall have exclusive authority to con-
17 vey or dispose of any interests in real estate
18 (including air rights or air space as that term
19 is defined by District of Columbia law) owned
20 or controlled by the District of Columbia, as
21 may be necessary to meet the requirements and
22 needs of the Project.

23 “(B) CONVEYANCE TO THE BOARD.—Not
24 later than 90 days following the date of receipt
25 of notification from the Secretary of the re-

1 quirements and needs of the Project, the Mayor
2 of the District of Columbia shall convey or dis-
3 pose of to the Board without compensation in-
4 terests in real estate described in subparagraph
5 (A).

6 “(3) AGREEMENTS WITH THE BOARD.—The
7 Mayor of the District of Columbia shall have the au-
8 thority to enter into memoranda of agreement with
9 the Board and any Federal or other governmental
10 agency to facilitate the planning, design, engineer-
11 ing, and construction of the Project.

12 “(e) OWNERSHIP.—

13 “(1) ROADWAYS AND SIDEWALKS.—Upon com-
14 pletion of the Project, responsibility for maintenance
15 and oversight of roadways and sidewalks modified or
16 improved for the Project shall remain with the
17 owner of the affected roadways and sidewalks.

18 “(2) MAINTENANCE OF GREEN SPACES.—Sub-
19 ject to paragraph (3), upon completion of the
20 Project, responsibility for maintenance and oversight
21 of any green spaces modified or improved for the
22 Project shall remain with the owner of the affected
23 green spaces.

24 “(3) BUILDINGS AND GREEN SPACES ON THE
25 PLAZA.—Upon completion of the Project, the Board

1 shall own, operate, and maintain the buildings and
2 green spaces established on the Plaza for the
3 Project.

4 “(f) NATIONAL HIGHWAY BOUNDARIES.—

5 “(1) REALIGNMENT OF BOUNDARIES.—The
6 Secretary may realign national highways related to
7 proposed changes to the Northern and Southern
8 Interchanges and the E Street Approach rec-
9 ommended in the TEA–21 report in order to facili-
10 tate the flow of traffic in the vicinity of the Center.

11 “(2) ACCESS TO CENTER FROM I–66.—The Sec-
12 retary may improve direct access and egress between
13 Interstate Route 66 and the Center, including its ga-
14 rages.”.

15 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 13 of John F. Kennedy Center Act (as redes-
17 igned by section 2 of this Act) is amended—

18 (1) by redesignating subsection (c) as sub-
19 section (d); and

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) JOHN F. KENNEDY CENTER PLAZA.—There is
23 authorized to be appropriated to the Secretary of Trans-
24 portation for capital costs incurred in the planning, de-
25 sign, engineering, and construction of the project author-

1 ized by section 12 (including roadway improvements re-
 2 lated to the North and South Interchanges and construc-
 3 tion of the John F. Kennedy Center Plaza, but not includ-
 4 ing construction of any buildings on the plaza) a total of
 5 \$400,000,000 for fiscal years 2003 through 2010. Such
 6 sums shall remain available until expended.”.

7 **SEC. 4. CONFORMING AMENDMENTS.**

8 (a) SELECTION OF CONTRACTORS.—Section
 9 4(a)(2)(D) of the John F. Kennedy Center Act (20 U.S.C
 10 76j(a)(2)(D)) is amended to read as follows:

11 “(D) SELECTION OF CONTRACTORS.—In
 12 carrying out the duties of the Board under this
 13 Act, the Board may negotiate any contract—

14 “(i) for planning, design, engineering,
 15 or construction of buildings to be erected
 16 on the John F. Kennedy Center Plaza
 17 under section 12 and for landscaping and
 18 other improvements to the Plaza; or

19 “(ii) for an environmental system for,
 20 a protection system for, or a repair to,
 21 maintenance of, or restoration of the John
 22 F. Kennedy Center for the Performing
 23 Arts,

1 with selected contractors and award the con-
2 tract on the basis of contractor qualifications as
3 well as price.”.

4 (b) DEFINITIONS.—Section 14 of the John F. Ken-
5 nedy Center Act (as redesignated by section 2 of this Act)
6 is amended by adding at the end the following: “Upon
7 completion of the project for establishment of the John
8 F. Kennedy Center Plaza authorized by section 12, the
9 Board, in consultation with the Secretary of Transpor-
10 tation, shall amend the map that is on file and available
11 for public inspection under the preceding sentence.”.

Passed the House of Representatives September 4,
2002.

Attest:

JEFF TRANDAHL,

Clerk.

By MARTHA C. MORRISON,

Deputy Clerk.