

Public Law 107-224  
107th Congress

An Act

Sept. 18, 2002

[H.R. 5012]

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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

John F. Kennedy  
Center Plaza  
Authorization  
Act of 2002.  
District of  
Columbia.

20 USC 76h note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “John F. Kennedy Center Plaza Authorization Act of 2002”.

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

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

20 USC 76r, 76s.

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

20 USC 76q-1.

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

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

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

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

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

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

“(5) PROJECT.—The term ‘Project’ means the Plaza project, as described in the TEA-21 report, providing for construction of a Plaza adjacent to the Center and for improved bicycle, pedestrian, and vehicular access to and around the Center. The term includes planning, design, engineering, and construction of the Plaza, buildings to be constructed on the Plaza, and related transportation improvements and may include any other elements of the Project identified in the TEA-21 report.

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

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

“(b) RESPONSIBILITIES OF THE SECRETARY.—

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

“(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

“(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

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

“(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center related to the planning, design, engineering, and construction of the Project.

“(c) RESPONSIBILITIES OF THE BOARD.—

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

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

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

“(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

“(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

“(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgment of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

“(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

“(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority to amend or modify the permanent system of highways of the District

of Columbia as may be necessary to meet the requirements and needs of the Project.

“(2) CONVEYANCES.—

“(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority to convey or dispose of any interests in real estate (including air rights or air space as that term is defined by District of Columbia law) owned or controlled by the District of Columbia, as may be necessary to meet the requirements and needs of the Project.

Deadline.

“(B) CONVEYANCE TO THE BOARD.—Not later than 90 days following the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board without compensation interests in real estate described in subparagraph (A).

“(3) AGREEMENTS WITH THE BOARD.—The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

“(e) OWNERSHIP.—

“(1) ROADWAYS AND SIDEWALKS.—Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

“(2) MAINTENANCE OF GREEN SPACES.—Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

“(3) BUILDINGS AND GREEN SPACES ON THE PLAZA.—Upon completion of the Project, the Board shall own, operate, and maintain the buildings and green spaces established on the Plaza for the Project.

“(f) NATIONAL HIGHWAY BOUNDARIES.—

“(1) REALIGNMENT OF BOUNDARIES.—The Secretary may realign national highways related to proposed changes to the Northern and Southern Interchanges and the E Street Approach recommended in the TEA-21 report in order to facilitate the flow of traffic in the vicinity of the Center.

“(2) ACCESS TO CENTER FROM I-66.—The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including its garages.”.

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

Section 13 of John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following:

“(c) JOHN F. KENNEDY CENTER PLAZA.—There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 12 (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) a total of \$400,000,000 for fiscal

years 2003 through 2010. Such sums shall remain available until expended.”.

**SEC. 4. CONFORMING AMENDMENTS.**

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

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

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

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

with selected contractors and award the contract on the basis of contractor qualifications as well as price.”.

(b) **DEFINITIONS.**—Section 14 of the John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended by adding at the end the following: “Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 12, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.”.

Approved September 18, 2002.

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**LEGISLATIVE HISTORY—H.R. 5012 (S. 2771):**

HOUSE REPORTS: No. 107-622 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD, Vol. 148 (2002):

Sept. 4, considered and passed House.

Sept. 5, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Sept. 18, Presidential statement.