

Calendar No. 524

107TH CONGRESS
2^D SESSION

S. 2771

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.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2002

Mr. JEFFORDS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JULY 26, 2002

Reported by Mr. JEFFORDS, without amendment

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

11 “(a) DEFINITIONS.—In this section:

12 “(1) AIR RIGHT.—The term ‘air right’ means a
13 real property interest conveyed by deed, lease, or
14 permit for the use of space between streets and
15 alleys within the boundaries of the Project.

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

18 “(3) GREEN SPACE.—The term ‘green space’
19 means an area within the boundaries of the Project
20 or affected by the Project that is covered by grass,
21 trees, or other vegetation.

22 “(4) PLAZA.—The term ‘Plaza’ means improve-
23 ments to the area surrounding the John F. Kennedy
24 Center building that are—

25 “(A) carried out under the Project; and

26 “(B) comprised of—

1 “(i) transportation elements (includ-
 2 ing roadways, sidewalks, and bicycle
 3 lanes); and

4 “(ii) nontransportation elements (in-
 5 cluding landscaping, green space, open
 6 public space, and water, sewer, and utility
 7 connections).

8 “(5) PROJECT.—

9 “(A) IN GENERAL.—The term ‘Project’
 10 means the Plaza project, as described in the
 11 TEA–21 report, providing for—

12 “(i) construction of the Plaza; and

13 “(ii) improved bicycle, pedestrian, and
 14 vehicular access to and around the Center.

15 “(B) INCLUSIONS.—The term ‘Project’—

16 “(i) includes—

17 “(I) planning, design, engineer-
 18 ing, and construction of the Plaza;

19 “(II) buildings to be constructed
 20 on the Plaza; and

21 “(III) related transportation im-
 22 provements; and

23 “(ii) may include any other element of
 24 the Project identified in the TEA–21 re-
 25 port.

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

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

8 “(b) RESPONSIBILITIES OF THE SECRETARY.—

9 “(1) IN GENERAL.—The Secretary shall be re-
10 sponsible for the Project and may carry out such ac-
11 tivities as are necessary to construct the Project,
12 other than buildings to be constructed on the Plaza,
13 substantially as described in the TEA–21 report.

14 “(2) PLANNING, DESIGN, ENGINEERING, AND
15 CONSTRUCTION.—The Secretary shall be responsible
16 for the planning, design, engineering, and construc-
17 tion of the Project, other than buildings to be con-
18 structed on the Plaza.

19 “(3) AGREEMENTS WITH THE BOARD AND
20 OTHER AGENCIES.—The Secretary shall enter into
21 memoranda of agreement with the Board and any
22 appropriate Federal or other governmental agency to
23 facilitate the planning, design, engineering, and con-
24 struction of the Project.

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

6 “(5) CONTRACTS.—Subject to the approval of
 7 the Board, the Secretary may enter into contracts
 8 on behalf of the Center relating to the planning, de-
 9 sign, engineering, and construction of the Project.

10 “(c) RESPONSIBILITIES OF THE BOARD.—

11 “(1) IN GENERAL.—The Board may carry out
 12 such activities as are necessary to construct build-
 13 ings on the Plaza for the Project.

14 “(2) RECEIPT OF TRANSFERS OF AIR
 15 RIGHTS.—The Board may receive from the District
 16 of Columbia such transfers of air rights as are nec-
 17 essary for the planning, design, engineering, and
 18 construction of the Project.

19 “(3) CONSTRUCTION OF BUILDINGS.—The
 20 Board—

21 “(A) may construct, with nonappropriated
 22 funds, buildings on the Plaza for the Project;
 23 and

1 “(B) shall be responsible for the planning,
2 design, engineering, and construction of the
3 buildings.

4 “(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

5 “(A) IN GENERAL.—The Board may ac-
6 knowledge private contributions used in the
7 construction of buildings on the Plaza for the
8 Project in the interior of the buildings, but may
9 not acknowledge private contributions on the
10 exterior of the buildings.

11 “(B) APPLICABILITY OF OTHER REQUIRE-
12 MENTS.—Any acknowledgement of private con-
13 tributions under this paragraph shall be con-
14 sistent with the requirements of section 4(b).

15 “(d) RESPONSIBILITIES OF THE DISTRICT OF CO-
16 LUMBIA.—

17 “(1) MODIFICATION OF HIGHWAY SYSTEM.—

18 Notwithstanding any State or local law, the Mayor
19 of the District of Columbia, in consultation with the
20 National Capital Planning Commission and the Sec-
21 retary, shall have exclusive authority, as necessary to
22 meet the requirements and needs of the Project, to
23 amend or modify the permanent system of highways
24 of the District of Columbia.

25 “(2) CONVEYANCES.—

1 “(A) AUTHORITY.—Notwithstanding any
2 State or local law, the Mayor of the District of
3 Columbia shall have exclusive authority, as nec-
4 essary to meet the requirements and needs of
5 the Project, to convey or dispose of any inter-
6 ests in real estate (including air rights and air
7 space (as that term is defined by District of Co-
8 lumbia law)) owned or controlled by the District
9 of Columbia.

10 “(B) CONVEYANCE TO THE BOARD.—Not
11 later than 90 days after the date of receipt of
12 notification from the Secretary of the require-
13 ments and needs of the Project, the Mayor of
14 the District of Columbia shall convey or dispose
15 of to the Board, without compensation, inter-
16 ests in real estate described in subparagraph
17 (A).

18 “(3) AGREEMENTS WITH THE BOARD.—The
19 Mayor of the District of Columbia shall have the au-
20 thority to enter into memoranda of agreement with
21 the Board and any Federal or other governmental
22 agency to facilitate the planning, design, engineer-
23 ing, and construction of the Project.

24 “(e) OWNERSHIP.—

1 “(1) ROADWAYS AND SIDEWALKS.—Upon com-
 2 pletion of the Project, responsibility for maintenance
 3 and oversight of roadways and sidewalks modified or
 4 improved for the Project shall remain with the
 5 owner of the affected roadways and sidewalks.

6 “(2) MAINTENANCE OF GREEN SPACES.—Sub-
 7 ject to paragraph (3), upon completion of the
 8 Project, responsibility for maintenance and oversight
 9 of any green spaces modified or improved for the
 10 Project shall remain with the owner of the affected
 11 green spaces.

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

17 “(f) NATIONAL HIGHWAY BOUNDARIES.—

18 “(1) REALIGNMENT OF BOUNDARIES.—The
 19 Secretary may realign national highways related to
 20 proposed changes to the North and South Inter-
 21 changes and the E Street approach recommended in
 22 the TEA-21 report in order to facilitate the flow of
 23 traffic in the vicinity of the Center.

24 “(2) ACCESS TO CENTER FROM I-66.—The Sec-
 25 retary may improve direct access and egress between

1 Interstate Route 66 and the Center, including the
 2 garages of the Center.”.

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

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

6 (1) by redesignating subsection (c) as sub-
 7 section (d); and

8 (2) by inserting after subsection (b) the fol-
 9 lowing:

10 “(c) JOHN F. KENNEDY CENTER PLAZA.—There is
 11 authorized to be appropriated to the Secretary of Trans-
 12 portation for capital costs incurred in the planning, de-
 13 sign, engineering, and construction of the project author-
 14 ized by section 12 (including roadway improvements re-
 15 lated to the North and South Interchanges and construc-
 16 tion of the John F. Kennedy Center Plaza, but not includ-
 17 ing construction of any buildings on the plaza)
 18 \$400,000,000 for the period of fiscal years 2003 through
 19 2010, to remain available until expended.”.

20 **SEC. 4. CONFORMING AMENDMENTS.**

21 (a) SELECTION OF CONTRACTORS.—Section 4(a)(2)
 22 of the John F. Kennedy Center Act (20 U.S.C 76j(a)(2))
 23 is amended by striking subparagraph (D) and inserting
 24 the following:

1 “(D) SELECTION OF CONTRACTORS.—In
 2 carrying out the duties of the Board under this
 3 Act, the Board may—

4 “(i) negotiate, with selected contrac-
 5 tors, any contract—

6 “(I) for planning, design, engi-
 7 neering, or construction of buildings
 8 to be erected on the John F. Kennedy
 9 Center Plaza under section 12 and for
 10 landscaping and other improvements
 11 to the Plaza; or

12 “(II) for an environmental sys-
 13 tem for, a protection system for, or a
 14 repair to, maintenance of, or restora-
 15 tion of the John F. Kennedy Center
 16 for the Performing Arts; and

17 “(ii) award the contract on the basis
 18 of contractor qualifications as well as
 19 price.”.

20 (b) ADMINISTRATION.—Section 6(d) of the John F.
 21 Kennedy Center Act (20 U.S.C. 76l(d)) is amended in the
 22 first sentence by striking “section 12” and inserting “sec-
 23 tion 14”.

24 (c) DEFINITIONS.—Section 14 of the John F. Ken-
 25 nedy Center Act (as redesignated by section 2) is amended

1 by adding at the end the following: “Upon completion of
2 the project for establishment of the John F. Kennedy Cen-
3 ter Plaza authorized by section 12, the Board, in consulta-
4 tion with the Secretary of Transportation, shall amend the
5 map that is on file and available for public inspection
6 under the preceding sentence.”.

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