

JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT  
OF 2002

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JULY 26, 2002.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and  
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 5012]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom  
was referred the bill (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,  
having considered the same, report favorably thereon without  
amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to improve the pedestrian, ve-  
hicular, and bicycle access to the John F. Kennedy Center for the  
Performing Arts (Kennedy Center). The legislation authorizes the  
construction of a plaza adjacent to the Kennedy Center; authorizes  
necessary and related transportation improvements; grants author-  
ity for the transfer and receipt of certain property rights; clarifies  
ownership of resulting property; authorizes the construction of new  
buildings; and authorizes appropriations to complete the project.

BACKGROUND AND NEED FOR THE LEGISLATION

The Kennedy Center is a congressionally chartered national cen-  
ter, a national presidential monument and living memorial. The  
current building was constructed in the late 1960's, and was offi-  
cially opened in September 1971. The concept of a National Cul-  
tural Center was initiated by the Eisenhower Administration, and  
in 1958 was federally chartered by Congress. In 1964 Congress

changed the designation to honor the late President John F. Kennedy.

The Kennedy Center contains approximately 1.5 million square feet of space and today houses seven theaters: the Concert Hall (2,700 seats); the Opera House (2,300 seats); the Dwight D. Eisenhower Theater (1,000 seats); the Terrace Theater (500 seats); the Theater Lab (400 seats); the American Film Institute Theater (200 seats); and the Millennium Stage (seating varies depending on performance type). The Millennium Stage offers free nightly concerts at 6:00 p.m. and has entertained over one million visitors to the Kennedy Center over five years. In addition, the building also houses three restaurants; administrative, meeting and rehearsal space; twenty-three elevators, six escalators, and 2,000 doors; and five public halls or galleries. The facility is situated on 17 acres of land in an area of Washington, D.C. known as Foggy Bottom, along the Potomac River. The Kennedy Center currently has parking for 1,450 cars, however, under legislation enacted in 1997, parking will expand by more than 600 spaces in order to accommodate heavy demand. In 2001, the Kennedy Center hosted 2 million patrons, who attended 3,200 performances and accommodated 3 million visitors touring the building during the day.

The Transportation Equity Act for the 21st Century (TEA 21) authorized \$500,000 and directed the Secretary of Transportation to undertake a comprehensive study of ways to improve access to the Kennedy Center. In developing its report, the Federal Highway Administration (FHWA) worked in partnership with the Kennedy Center and other federal and local agencies to develop long-term, multi-modal transportation and land-use improvement options that would facilitate safe traffic flow to and from the Kennedy Center, improve transit service, and make bicycling and walking around the center safer, more pleasant, and more direct.

At present, there is no direct path from the Kennedy Center to the east, or southeastward to the National Mall, and there are inadequate connections from the riverfront to the Kennedy Center. In the absence of clear walkways, pedestrians improvise a hazardous footpath and sprint across the freeway. Others dash across the parkway near a blind corner on the Kennedy Center's south side. The bicycle connection to a local trail crosses an Interstate 66 off-ramp. Dangerously narrow pedestrian and bicycle portals exist on the east side of the parkway under the Roosevelt Bridge.

Vehicular traffic for performances that begin near Washington's rush hour are confounded by congestion on the Rock Creek and Potomac Parkway and various bridge camps. In addition, there are high accident rates at the foot of the Roosevelt Bridge and at the intersection of Virginia Avenue, 27th Street, and the parkway.

Nearly 200,000 vehicles a day use the complex of ramps and roadways adjacent to the Kennedy Center. Improvements must ensure that these volumes are served and that traffic is not backed up onto the Roosevelt Bridge or diverted onto neighborhood streets. Additionally, the use of public transportation is difficult for Kennedy Center patrons. There is no direct bus service to the Kennedy Center and the Foggy Bottom Metro station is over a quarter of a mile away, too far away for most patrons to walk comfortably. Further, visitors unfamiliar with the area are not likely to find the Kennedy Center since it is not visible from the Metro and there are

no directional signs. The Kennedy Center operates a Show Shuttle bus on a limited schedule to address some of these concerns, but is hampered by the volume of patrons and the fact that the shuttle must use residential streets for its route.

#### TEA 21 REPORT RECOMMENDED IMPROVEMENTS

*Kennedy Center Plaza.*—Central to the proposed design is a plaza, which set atop a deck over the Potomac Freeway, would provide a new public space and stately approach to the Kennedy Center from the east. The plaza would be connected to E and 25th Streets, thus reestablishing the local street grid. Freeways and ramps immediately east of the Kennedy Center would be modified to accommodate through traffic beneath the plaza. The plaza, built using freeway air rights, would contain a large public square and space for the additional construction of new buildings whose use would be determined over the next several years.

*Riverfront Access.*—A grand open stairway (with elevators for the handicapped) would link the Kennedy Center terrace to the riverfront promenade, where a floating dock could serve riverboats. This would properly present the Kennedy Center to the waterfront and reconcile the Kennedy Center's ambivalent relationship to the river. The open design would preserve views to the river from the parkway. These changes would facilitate pedestrian, bicycle, and river access and restore an important element of the building's original design.

*E Street Approach.*—E Street would be modified at its western terminus to link the Kennedy Center with President's Park and the core of the City. Through traffic would continue to use the E Street expressway below the plaza, while local traffic would use improved surface-level connections to the plaza.

*Traffic and Safety North of the Kennedy Center.*—New connections would be built between the Rock Creek and Potomac Parkway and the Potomac Freeway in the vicinity of K Street. This would improve the freeway's directness and convenience, diverting traffic from the parkway to the freeway. Reduced through traffic on the parkway would improve the riverfront promenade for pedestrians and cyclists. The improvements would also relieve congestion and address safety hazards at the Virginia Avenue, Rock Creek Parkway, and 27th Street intersections.

*Traffic and Safety South of the Kennedy Center.*—The complex intersection of Ohio Drive, with the Potomac Freeway and Rock Creek Parkway would be grade separated to relieve hazardous conditions and congestions.

*Transit Improvements.*—The E Street improvements would allow the Kennedy Center Show Shuttle to travel a direct route, thereby avoiding neighborhood streets. Alignment options for possible future light rail service, which could provide direct access to the Kennedy Center, would be preserved.

*Pedestrian and Bicycle Improvements.*—The plaza and connecting facilities would provide new linkages between the Kennedy Center and the surrounding community. Safe bicycle connections would also be provided to the Custis/I-66 trail across the Roosevelt bridge.

*Signing Improvements.*—Effective directional signs for through and local pedestrian, bicycle, and vehicular traffic would be installed.

*Parking Improvements.*—The area below the plaza would provide at least 500 new parking spaces. This parking would meet the needs of plaza development, ensuring that traffic generated by the site could be accommodated without intruding upon the scarce parking supply in the surrounding neighborhood. It could also serve the Kennedy Center's overflow parking needs.

The centerpiece of these recommendations is the proposal to create a pedestrian plaza, set atop a deck, which will be constructed using air rights over the ramps and roadways of the Potomac Freeway. The new plaza would represent approximately 8 acres of new land directly east of the Kennedy Center. The Kennedy Center has indicated a need for additional space for administration, education, rehearsal, and performances, which could be accommodated by new construction on the proposed plaza. Any new construction atop the deck, while requiring Congressional authorization, will be paid for with non-appropriated funds. The FHWA study estimates the project costs to be \$269 million federal dollars (as of its publication in 2000), which includes constructing the plaza and making other necessary improvements to the adjoining roadways. The amount does not include funding for new construction on the plaza.

The FY 2001 Transportation Appropriations bill included \$10 million for the Department of Transportation (DOT) to go forward with preliminary project planning, environmental reviews and design approvals. Preliminary work continues to progress as DOT works in conjunction with the Kennedy Center, the National Park Service, the District of Columbia Department of Public Works, and the FHWA. However, the Kennedy Center and DOT will need additional appropriations and authorization to begin work on many of the improvements identified in the access study.

While it is not expected that this project will require the relocation of any individuals or homes, it is the expectation of the Committee that should such relocation be necessary, the Uniform Relocation Act of Title 42, Chapter 61, would be applied to the extent it is applicable.

#### SUMMARY OF THE LEGISLATION

##### *Section 1: Short title*

The act may be cited as the "John F. Kennedy Center Plaza Authorization Act of 2002."

##### *Section 2: John F. Kennedy Center Plaza*

This section amends the John F. Kennedy Center Act (20 U.S.C. 76h et seq.), hereafter known as "the Act," and redesignates existing sections to allow for the insertion of a new section 12. This section defines terms used in the legislation; authorizes the construction of the project; establishes the responsibilities of all parties; clarifies issues of ownership and control; grants necessary authorities; and authorizes appropriations.

*(a) Definitions*

“Air Rights” is defined to encompass both the District of Columbia definition of “Air Space” and the definition of Air Rights used by the FHWA. While used in similar manners, the definition used in the legislation is meant to include all such rights granted for the use of space that is above any type of land and will be used for construction.

The John F. Kennedy Center for the Performing Arts is referred to in the legislation as the “Center.”

“Plaza” is used throughout the legislation to refer to a plaza that is to be constructed directly east of the Kennedy Center. This definition is meant to include only the plaza itself and related improvements, including roads, sidewalks, bicycle lanes, landscaping, green space, open public space, water, sewer, and utility connections. This definition is not meant to include any work towards the completion of buildings to be built on the plaza, except design work to the extent necessary to facilitate the construction of buildings.

“Project” is used to refer to the Plaza project envisioned by the TEA 21 report, which provides for the construction of a plaza adjacent to the Kennedy Center and improved access to, from and around the Kennedy Center. The definition is also meant to include any other improvements that may be included in the TEA 21 report.

Used throughout the legislation, the term “Secretary” refers to the United States Secretary of Transportation, or any person or department that the Secretary designates to carry out his responsibilities under the legislation.

“TEA 21 Report” refers to the report prepared pursuant to section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204). This report is also sometimes referred to as the “Access Study.”

This section also details the responsibilities of each of the parties involved. The Secretary of Transportation will be responsible for overall management of the Project, construction of the plaza and coordinating with all of the relevant parties; the Board is responsible for all aspects of construction of the buildings on the plaza; and the District of Columbia is responsible for conveying Air Rights, amending the streets and highways, and entering agreements as necessary to complete the project.

*(b) Responsibilities of the Secretary*

Within his responsibilities under this section, the Secretary has five specific responsibilities. Overall management of the project, construction of the plaza, entering into agreements with appropriate entities, consultation with the Board, and entering into contracts on behalf of the Board as necessary to complete the project.

First, the Secretary is generally responsible for the project, with the exception of any buildings that may be constructed on the plaza, as described in the TEA 21 report. In this role, the Secretary will be responsible for ensuring that the project is completed in a timely fashion and in accordance with the requirements and recommendations of the TEA 21 report.

Second, the Secretary is responsible for all planning, design, engineering, and construction associated with the project. The Secretary will also be responsible for making the determination about

which aspects of the TEA 21 report are necessary for completion of the project. While it is expected that the Eastern Federal Lands Highway Division of the Federal Highway Administration will carry out the majority of the work authorized by this legislation, the Secretary may designate other individuals or entities to carry out certain tasks as needed to carry out his responsibilities.

Third, the Secretary is required to enter into memoranda of agreement with the Board of Trustees of the Kennedy Center (the Board) and any other appropriate Federal or other entity to facilitate the completion of the project. It is expected by the Committee that the Secretary will enter into these agreements to ensure that each participant in the project clearly understands their various roles and responsibilities.

Fourth, the Secretary is also required by this section to consult with the Board to maximize efficiencies in the planning and execution of the project. Coordination between the Board and the Secretary is particularly important for the purpose of preparing the plaza to accommodate any buildings that may be constructed. By coordinating in advance, it will be possible to eliminate or reduce delays due to inadequate capacity issues for the plaza or conflicting designs for the location of water, sewer and electricity connections. It is also important that the parties coordinate in the letting of contracts so that each can benefit by potentially negotiating lower prices and reducing work stoppages.

Finally, this section authorizes the Secretary to negotiate and enter into contracts on behalf of the Center related to the completion of the project.

#### *(c) Responsibilities of the Board*

This section also grants to the Board a range of authorities to enable it to participate fully in the completion of the project. The legislation authorizes the Board to undertake such activities as may be necessary to construct buildings on the Plaza for the Project. The Board is also authorized to receive from the District of Columbia such transfer of air rights as may be necessary for the planning, design, engineering, and construction of the project.

Further, this section gives to the Board the authority to construct buildings on the plaza for the project. These buildings must be constructed with non-appropriated funds. The Board shall be responsible for all planning, design, engineering, and construction of the buildings. It is expected that the Board will coordinate and consult with the Secretary during all phases of the project to ensure that no efforts are duplicated.

Upon completion of the buildings, the Board is authorized to acknowledge, within the interior of the buildings, private contributions used in the construction of the buildings. Such acknowledgments will be made in a manner consistent with existing regulations and requirements. It is the understanding of the Committee, that no acknowledgement will be made either on the exterior of any of the buildings, or in a fashion that would be visible from the exterior of the buildings.

#### *(d) Responsibilities of the District of Columbia*

This section also grants authority to and directs the transfer of rights from the District of Columbia Government. Under the au-

thority granted, the Mayor of the District of Columbia is granted the authority, notwithstanding any other provision of local law, to realign the existing system of highways and roads in consultation with the National Capital Planning Commission to facilitate the project. As envisioned, completion of the project will require the possible realignment of several different roadways and highways located in the District of Columbia and under the authority of the Mayor. This provision ensures that the Mayor has all authority necessary to facilitate the completion of the project in an efficient and expedient manner.

Under this section, the Mayor is also granted the sole authority to convey or dispose of any rights owned or controlled by the District of Columbia as may be necessary to meet the needs or requirements of the project. This authority applies to air rights as defined by this legislation, air space as that term is defined by District law, or any other interest in real property that may be necessary.

To further ensure that the completion of the project is not held up by a delay of this transfer, within 90 days of receipt from the Secretary of a description of the rights needed, the Mayor is required to transfer the rights.

The Mayor is also granted the authority to enter into agreements with the Board and any other Federal agency to facilitate the planning, design, engineering, and construction of the project.

*(e) Ownership*

This section clarifies the ownership of various areas upon completion of the project. With the exception of the buildings and green spaces established on the plaza, which shall be owned, operated and maintained by the Board, responsibility for maintenance and oversight of any green spaces, roadways or sidewalks modified or improved by the project remains with the owner of the affected green spaces, roadways, and sidewalks.

*(f) National highway boundaries*

This section clarifies the authority of the Secretary to realign national highways in order to facilitate the flow of traffic to, from, and in the vicinity of the Kennedy Center. By the text of the bill, the Secretary's authority in this regard is limited in his authority under this section to areas specifically identified in the text of the bill, including the Northern and Southern Interchanges and the E Street Approach as recommended by the TEA-21 report.

This section also grants to the Secretary the authority to improve direct access and egress between the Kennedy Center, including its garages, and Interstate Route 66. This authority is granted to allow the Secretary and the Board to improve and restore previously existing accesses and egresses to Federal highways from the Kennedy Center.

*Section 3: Authorization of appropriations*

This section amends Section 13 of the Act to redesignate subsections allowing for the insertion of a new subsection (b). This new subsection provides for the total appropriation of \$400,000,000, from FY 2003 through FY 2010, to the Secretary for the completion of the project as specified by the new Section 12 added by this legislation. The section further clarifies that expenses relating to the

construction of buildings on the plaza may not be paid from the money appropriated under this section. It is expected by the Committee that all costs relating to this project, excluding costs related to construction of buildings on the plaza and costs associated with the transfer of air rights, will be paid for from federal funds.

#### *Section 4: Conforming amendments*

This section makes two conforming amendments to the Act. The first amends Section 4(a)(2)(D) to allow the Board to negotiate contracts for the planning, design, engineering or construction of new buildings to be built on the plaza and for the continued maintenance of any improvements to the plaza. This section also requires that upon completion of the project, the Board, in consultation with the Secretary will make such conforming changes to existing maps as may be necessary.

#### LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On June 13, 2002, the Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on the John F. Kennedy Center for the Performing Arts Access Study. The Subcommittee received testimony from the Kennedy Center, Federal Highway Administration and District of Columbia Department of Transportation. On June 25, 2002, Mr. Young of Alaska, Mr. Oberstar, Mr. LaTourette, Mr. Costello, Mr. Kolbe, Mr. Kennedy, and Ms. Pryce introduced H.R. 5012, the John F. Kennedy Center Plaza Authorization Act of 2002.

On June 26, 2002, the Full Committee met in open session and on a motion with a quorum present, discharged the Subcommittee from further consideration of the bill. On a motion by Mr. LaTourette, the Full Committee ordered H.R. 5012 reported to the House by unanimous voice vote, with a quorum present.

#### ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes taken in connection with ordering H.R. 5012 favorably reported. A motion by Mr. LaTourette to order H.R. 5012 favorably reported to the House was agreed to by voice vote, a quorum being present.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the re-



port. Such a cost estimate will be inserted in the Congressional Record at a later date.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office which will be inserted in the Record at a later date.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation is to authorize the creation of a plaza and improve the roadways and highways adjacent to the Kennedy Center to improve vehicular, pedestrian and bicycle access.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has not received a cost estimate for H.R. 5012 from the Director of the Congressional Budget Office.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own, the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1994 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local or tribal law. The Committee states that H.R. 5012 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

#### APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**JOHN F. KENNEDY CENTER ACT**

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**SEC. 4. DUTIES OF THE BOARD.**

(a) PROGRAMS, ACTIVITIES, AND GOALS.—

(1) \* \* \*

(2) ADMINISTRATIVE POWERS AND DUTIES.—

(A) \* \* \*

\* \* \* \* \*

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

*(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.*

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**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 acknowledgement 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.

(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. [12.] 13. AUTHORIZATION OF APPROPRIATIONS.**

(a) \* \* \*

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(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.

[(c)] (d) **LIMITATION ON USE OF FUNDS.**—No funds appropriated pursuant to this section may be used for any direct expense incurred in the production of a performing arts attraction, for personnel who are involved in performing arts administration (including any supply or equipment used by the personnel), or for production, staging, public relations, marketing, fundraising, ticket sales, or education. Funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for any performing arts function and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repair.

**SEC. [13.] 14. DEFINITIONS.**

As used in this Act, the terms “building and site of the John F. Kennedy Center for the Performing Arts” and “grounds of the John F. Kennedy Center for the Performing Arts” refer to the site in the District of Columbia on which the John F. Kennedy Center building is constructed and that extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563, and dated April 20, 1994 (as amended by the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior. *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.*