

the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this subchapter, as in the judgment of the Secretary will best effectuate the intent of the donor.

(Pub. L. 85-874, §10, as added Pub. L. 88-260, §1(6), Jan. 23, 1964, 78 Stat. 5; amended Pub. L. 103-279, §6, July 21, 1994, 108 Stat. 1415.)

AMENDMENTS

1994—Pub. L. 103-279 substituted “which the Secretary finds” for “which he finds” and “the judgment of the Secretary” for “his judgment”.

§ 76q. Sole national memorial to the late John F. Kennedy within the city of Washington and environs

The John F. Kennedy Center for the Performing Arts, designated by this subchapter, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

(Pub. L. 85-874, §11, as added Pub. L. 88-260, §1(6), Jan. 23, 1964, 78 Stat. 5.)

§ 76q-1. 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.

(6) Project Team

(A) Establishment

To further construction of the Project, the Secretary shall establish a Project Team.

(B) Membership

The Project Team shall be composed of the following members:

- (i) The Secretary (or the Secretary’s designee).
- (ii) The Administrator of General Services (or the Administrator’s designee).
- (iii) The Chairman of the Board (or the Chairman’s designee).
- (iv) Such other individuals as the Project Team considers appropriate.

(C) Project Director

The Project Team shall have a Project Director who shall be appointed by the Secretary, in consultation with the Administrator of General Services and the Chairman of the Board. The Project Director shall report directly to the Project Team.

(c) Responsibilities of the Board

(1) In general

The Board, in consultation with the Project Team, 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, in consultation with the Project Team, 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 76j(b) of this title.

(5) Approval by Project Team

Notwithstanding section 76k(e) of this title, any decision by the Board that will significantly affect, as determined by the Project Team in consultation with the Board, the scope, cost, schedule, or engineering feasibility of any element of the Project, other than buildings to be constructed on the Plaza, shall be subject to the approval of the Project Team.

(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.

(g) GAO review

Until completion of the Project, the Comptroller General shall review the management and oversight of construction of the Project by the Board and report periodically on the results of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(Pub. L. 85-874, §12, as added Pub. L. 107-224, §2(2), Sept. 18, 2002, 116 Stat. 1340; amended Pub. L. 108-410, §3, Oct. 30, 2004, 118 Stat. 2303.)

REFERENCES IN TEXT

Section 1214 of the Transportation Equity Act for the 21st Century, referred to in subsec. (a)(7), is section 1214 of Pub. L. 105-178, which enacted provisions set out as notes under sections 50 and 76j of this title, section 460m-29a of Title 16, Conservation, and section 202 of Title 23, Highways, and enacted provisions listed in a table of National Wildlife Refuges set out under section 668dd of Title 16.

PRIOR PROVISIONS

A prior section 12 of Pub. L. 85-874 was renumbered section 13 and is classified to section 76r of this title.

AMENDMENTS

2004—Subsec. (b)(6). Pub. L. 108-410, §3(a), added par. (6).

Subsec. (c)(1), (3). Pub. L. 108-410, §3(b)(1), (2), inserted “, in consultation with the Project Team,” after “The Board”.

Subsec. (c)(5). Pub. L. 108-410, §3(b)(3), added par. (5).

Subsec. (g). Pub. L. 108-410, §3(c), added subsec. (g).

AMENDMENTS

§ 76r. Authorization of appropriations**(a) Maintenance, repair, and security**

There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

- (1) \$20,200,000 for fiscal year 2008;
- (2) \$21,800,000 for fiscal year 2009;
- (3) \$22,500,000 for fiscal year 2010;
- (4) \$23,500,000 for fiscal year 2011; and
- (5) \$24,500,000 for fiscal year 2012.

(b) Capital projects

There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

- (1) \$23,150,000 for fiscal year 2008;
- (2) \$16,000,000 for fiscal year 2009;
- (3) \$17,000,000 for fiscal year 2010;
- (4) \$17,000,000 for fiscal year 2011; and
- (5) \$18,500,000 for fiscal year 2012.

(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 76q-1 of this title (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.

(d) Photovoltaic system

There are authorized to be appropriated to the Board such sums as are necessary to carry out section 76m of this title, to remain available until expended.

(e) 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.

(Pub. L. 85-874, §13, formerly §12, as added Pub. L. 103-279, §7, July 21, 1994, 108 Stat. 1415; amended Pub. L. 105-226, §5, Aug. 12, 1998, 112 Stat. 1513; renumbered §13 and amended Pub. L. 107-224, §§2(1), 3, Sept. 18, 2002, 116 Stat. 1340, 1342; Pub. L. 108-410, §2, Oct. 30, 2004, 118 Stat. 2303; Pub. L. 109-306, §1, Oct. 6, 2006, 120 Stat. 1720; Pub. L. 110-338, §4, Oct. 3, 2008, 122 Stat. 3731.)

PRIOR PROVISIONS

A prior section 13 of Pub. L. 85-874 was renumbered section 14 and is classified to section 76s of this title.

2008—Subsecs. (a), (b). Pub. L. 110-338, §4(1), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) Maintenance, repair, and security.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

- “(1) \$17,000,000 for fiscal year 2004;
- “(2) \$18,000,000 for each of fiscal years 2005 and 2006;

and

- “(3) \$19,100,000 for fiscal year 2007.

“(b) Capital projects.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

- “(1) \$16,000,000 for fiscal year 2004;
- “(2) \$18,000,000 for each of fiscal years 2005 and 2006;

and

- “(3) \$20,000,000 for fiscal year 2007.”

Subsecs. (d), (e). Pub. L. 110-338, §4(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

2006—Subsec. (a). Pub. L. 109-306, §1(a), struck out “and” at end of par. (1), substituted “and 2006; and” for “, 2006, and 2007.” in par. (2), and added par. (3).

Subsec. (b). Pub. L. 109-306, §1(b), struck out “and” at end of par. (1), substituted “and 2006; and” for “, 2006, and 2007.” in par. (2), and added par. (3).

2004—Subsecs. (a), (b). Pub. L. 108-410 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

- “(1) \$13,000,000 for fiscal year 1999;
- “(2) \$14,000,000 for each of fiscal years 2000 and 2001;

and

- “(3) \$15,000,000 for each of fiscal years 2002 and 2003.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

- “(1) \$20,000,000 for each of fiscal years 1999, 2000, and 2001;

- “(2) \$19,000,000 for fiscal year 2002; and

- “(3) \$17,000,000 for fiscal year 2003.”

2002—Subsecs. (c), (d). Pub. L. 107-224, §3, added subsec. (c) and redesignated former subsec. (c) as (d).

1998—Subsecs. (a), (b). Pub. L. 105-226 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title \$12,000,000 for each of fiscal years 1995 through 1999.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title \$9,000,000 for each of fiscal years 1995 through 1999.”

§ 76s. Definitions

As used in this subchapter, 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