

**Union Calendar No. 146**

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1508**

**[Report No. 104-277, Part I]**

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**A BILL**

To require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

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OCTOBER 17, 1995

Reported from the Committee on Resources, with an amendment

Referral to the Committee on Government Reform and Oversight extended for a period ending not later than October 17, 1995

The Committee on Government Reform and Oversight discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1995

Ms. NORTON introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

OCTOBER 17, 1995

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 17, 1995

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[For text of introduced bill, see copy of bill as introduced on April 7, 1995]

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## A BILL

To require the transfer of title to the District of Columbia

of certain real property in Anacostia Park to facilitate the construction of National Children’s Island, a cultural, educational, and family-oriented park.

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 “National Children’s Is-*  
 5 *land Act of 1995”.*

6        **SEC. 2. DEFINITIONS.**

7        *For the purposes of this Act:*

8                (1) *The term “plat” means the plat filed in the*  
 9 *Office of the Surveyor of the District of Columbia*  
 10 *under S.O. 92–252.*

11                (2) *The term “District” means the District of*  
 12 *Columbia.*

13                (3) *The term “Islands” means Heritage Island*  
 14 *and all of that portion of Kingman Island located*  
 15 *south of Benning Road and within the District of Co-*  
 16 *lumbia and the Anacostia River, being a portion of*  
 17 *United States Reservation 343, Section F, as specified*  
 18 *and legally described on the Survey.*

19                (4) *The term “National Children’s Island”*  
 20 *means a cultural, educational, and family-oriented*  
 21 *recreation park, together with a children’s play-*  
 22 *ground, to be developed and operated in accordance*

1       *with the Children’s Island Development Plan Act of*  
2       *1993, D.C. Act 10–110.*

3             (5) *The term “playground” means the children’s*  
4       *playground that is part of National Children’s Island*  
5       *and includes all lands on the Islands located south of*  
6       *East Capitol Street.*

7             (6) *The term “recreation park” means the cul-*  
8       *tural, educational, and family-oriented recreation*  
9       *park that is part of National Children’s Island.*

10            (7) *The term “Secretary” means the Secretary of*  
11       *the Interior.*

12            (8) *The term “Survey” means the ALTA/ACSM*  
13       *Land Title Survey prepared by Dewberry & Davis*  
14       *and dated February 12, 1994.*

15       **SEC. 3. PROPERTY TRANSFER.**

16            (a) *TRANSFER OF TITLE.—In order to facilitate the*  
17       *construction, development, and operation of National Chil-*  
18       *dren’s Island, the Secretary shall, not later than six months*  
19       *after the date of enactment of this Act and subject to this*  
20       *Act, transfer by quitclaim deed, without consideration, to*  
21       *the District all right, title, and interest of the United States*  
22       *in and to the Islands. Unbudgeted actual costs incurred by*  
23       *the Secretary for such transfer shall be borne by the Dis-*  
24       *trict. The District may seek reimbursement from any third*  
25       *party for such costs.*

1           **(b) GRANT OF EASEMENTS.**—(1) *The Secretary shall,*  
2 *not later than six months after the date of enactment of*  
3 *this Act, grant, without consideration, to the District, per-*  
4 *manent easements across the waterways and bed of the Ana-*  
5 *costia River as described in the Survey as Leased Riverbed*  
6 *Areas A, B, C, and D, and across the shoreline of the Ana-*  
7 *costia River as depicted on the plat map recorded in the*  
8 *Office of the Surveyor of the District as S.O. 92–252.*

9           (2) *Easements granted under paragraph (1) shall run*  
10 *with the land and shall be for the purposes of—*

11           (A) *constructing, reconstructing, maintaining,*  
12 *operating, and otherwise using only such bridges,*  
13 *roads, and other improvements as are necessary or de-*  
14 *sirable for vehicular and pedestrian egress and in-*  
15 *gress to and from the Islands and which satisfy the*  
16 *District Building Code and applicable safety require-*  
17 *ments;*

18           (B) *installing, reinstalling, maintaining, and*  
19 *operating utility transmission corridors, including*  
20 *(but not limited to) all necessary electricity, water,*  
21 *sewer, gas, necessary or desirable for the construction,*  
22 *reconstruction, maintenance, and operation of the Is-*  
23 *lands and any and all improvements located thereon*  
24 *from time to time; and*

1           (C) *constructing, reconstructing, maintaining,*  
2           *operating, and otherwise providing necessary infor-*  
3           *mational kiosk, ticketing booth, and security for the*  
4           *Islands.*

5           (3) *Easements granted under paragraph (1) shall be*  
6           *assignable by the District to any lessee, sublessee, or opera-*  
7           *tor, or any combination thereof, of the Islands.*

8           (c) *DEVELOPMENT.*—*The development of National*  
9           *Children’s Island shall proceed as specified in paragraph*  
10          *3 of the legend on the plat or as otherwise authorized by*  
11          *the District by agreement, lease, resolution, appropriate ex-*  
12          *ecutive action, or otherwise.*

13          (d) *REVERSION.*—(1) *The transfer under subsection*  
14          *(a) and the grant of easements under subsection (b) shall*  
15          *be subject to the condition that the Islands only be used*  
16          *for the purposes of National Children’s Island. Title in the*  
17          *property transferred under subsection (a) and the easements*  
18          *granted under subsection (b), shall revert to the United*  
19          *States 60 days after the date on which the Secretary pro-*  
20          *vides written notice of the reversion to the District based*  
21          *on the Secretary’s determination, which shall be made in*  
22          *accordance with chapter 5 of title 5, United States Code*  
23          *(relating to administrative procedures), that one of the fol-*  
24          *lowing has occurred:*

1           (A) *Failure to commence improvements in the*  
2 *recreational park within the earlier of—*

3                 (i) *three years after building permits are*  
4 *obtained for construction of such improvements;*  
5 *or*

6                 (ii) *four years after title has been trans-*  
7 *ferred, as provided in subsection (a).*

8           (B) *Failure to commence operation of the recre-*  
9 *ation park within the earlier of—*

10                (i) *five years after building permits are ob-*  
11 *tained for construction of such improvements; or*

12                (ii) *seven years after title has been trans-*  
13 *ferred, as provided in subsection (a).*

14           (C) *After completion of construction and com-*  
15 *mencement of operation, the abandonment or non-use*  
16 *of the recreation park for a period of two years.*

17           (D) *After completion of construction and com-*  
18 *mencement of operation, conversion of the Islands to*  
19 *a use other than that specified in this Act or conver-*  
20 *sion to a parking use not in accordance with section*  
21 *4(b).*

22           (2) *The periods referred to in paragraph (1) shall be*  
23 *extended during the pendency of any lawsuit which seeks*  
24 *to enjoin the development or operation of National Chil-*

1 *dren's Island or the administrative process leading to such*  
2 *development or operation.*

3       (3) *Following any reconveyance or reversion to the Na-*  
4 *tional Park Service, any and all claims and judgments*  
5 *arising during the period the District holds title to the Is-*  
6 *lands, the playground, and premises shall remain the re-*  
7 *sponsibility of the District, and such reconveyance or rever-*  
8 *sion shall extinguish any and all leases, rights or privileges*  
9 *to the Islands and the playground granted by the District.*

10       (4) *The District shall require any nongovernmental en-*  
11 *tity authorized to construct, develop, and operate National*  
12 *Children's Island to establish an escrow fund, post a surety*  
13 *bond, provide a letter of credit or otherwise provide such*  
14 *security for the benefit of the National Park Service, sub-*  
15 *stantially equivalent to that specified in paragraph 11 of*  
16 *the legend on the plat, to serve as the sole source of funding*  
17 *for restoration of the recreation park to a condition suitable*  
18 *for National Park Service purposes (namely, the removal*  
19 *of all buildings and grading, seeding and landscaping of*  
20 *the recreation park) upon reversion of the property. If, on*  
21 *the date which is two years from the date of reversion of*  
22 *the property, the National Park Service has not commenced*  
23 *restoration or is not diligently proceeding with such res-*  
24 *toration, any amount in the escrow fund shall be distrib-*  
25 *uted to such nongovernmental entity.*

1 **SEC. 4. PROVISIONS RELATING TO LANDS TRANSFERRED**  
2 **AND EASEMENTS GRANTED.**

3 (a) *PLAYGROUND.*—Operation of the recreation park  
4 may only commence simultaneously with or subsequent to  
5 improvement and opening of a children’s playground at  
6 National Children’s Island that is available to the public  
7 free of charge. The playground shall only include those im-  
8 provements traditionally or ordinarily included in a pub-  
9 licly maintained children’s playground. Operation of the  
10 recreation park is at all times dependent on the continued  
11 maintenance of the children’s playground.

12 (b) *PUBLIC PARKING.*—Public parking on the Islands  
13 is prohibited, except for handicapped parking, emergency  
14 and government vehicles, and parking related to construct-  
15 ing, and servicing National Children’s Island.

16 (c) *REQUIRED APPROVALS.*—Before construction com-  
17 mences, the final design plans for the recreation park and  
18 playground, and all related structures, including bridges  
19 and roads, are subject to the review and approval of the  
20 National Capital Planning Commission and of the District  
21 of Columbia in accordance with the Children’s Island De-  
22 velopment Plan Act of 1993 (D.C. Act 10–110). The District  
23 of Columbia shall carry out its review of this project in  
24 full compliance with all applicable provisions of the Na-  
25 tional Environmental Policy Act of 1969.

1 **SEC. 5. EFFECT OF PROPERTY TRANSFER.**

2 (a) *EFFECT OF PROPERTY TRANSFER.*—Upon the  
3 transfer of the Islands to the District pursuant to this Act:

4 (1) *The Transfer of Jurisdiction concerning the*  
5 *Islands from the National Park Service to the District*  
6 *dated February 1993, as set out on the plat map re-*  
7 *corded in the Office of the Surveyor of the District as*  
8 *S.O. 92–252 and as approved by the Council of the*  
9 *District by Resolution 10–91, shall become null and*  
10 *void and of no further force and effect, except for the*  
11 *references in this Act to paragraphs 3 and 11 of the*  
12 *legend on the plat.*

13 (2) *The Islands shall no longer be considered to*  
14 *be part of Anacostia Park and shall not be considered*  
15 *to be within the park system of the District; therefore,*  
16 *the provisions of section 2 of the Act entitled “An Act*  
17 *to vest in the Commissioners of the District of Colum-*  
18 *bia control of street parking in said District”, ap-*  
19 *proved July 1, 1898 (ch. 543, 30 Stat. 570; D.C. Code*  
20 *8–104), shall not apply to the Islands, and the Dis-*  
21 *trict shall have exclusive charge and control over the*  
22 *Islands and easements transferred.*

23 (3) *The Islands shall cease to be a reservation,*  
24 *park, or public grounds of the United States for the*  
25 *purposes of the Act of August 24, 1912 (ch. 355, 37*  
26 *Stat. 444; 40 U.S.C. 68; 8–128 D.C. Code).*

1           **(b) USE OF CERTAIN LANDS FOR PARKING AND**  
2 **OTHER PURPOSES.**—*Notwithstanding any other provision*  
3 *of law, the District is hereby authorized to grant via appro-*  
4 *priate instrument to a nongovernmental individual or en-*  
5 *tity any and all of its rights to use the lands currently being*  
6 *leased by the United States to the District pursuant to the*  
7 *District of Columbia Stadium Act of 1957 (Public Law 85–*  
8 *300, September 7, 1957, 71 Stat. 619) for parking facilities*  
9 *(and necessary informational kiosk, ticketing booth, and se-*  
10 *curity) as the Mayor of the District in his discretion may*  
11 *determine necessary or appropriate in connection with or*  
12 *in support of National Children’s Island.*

13 **SEC. 6. SAVINGS PROVISIONS.**

14           *No provision of this Act shall be construed—*

15                   (1) *as an express or implied endorsement or ap-*  
16 *proval by the Congress of any such construction, de-*  
17 *velopment, or operation of National Children’s Island;*

18                   (2) *except as provided in section 5, to exempt the*  
19 *recreational park and playground from the laws of*  
20 *the United States or the District, including laws re-*  
21 *lating to the environment, health, and safety; or*

22                   (3) *to prevent additional conditions on the Na-*  
23 *tional Children’s Island development or operation to*  
24 *mitigate adverse impacts on adjacent residential*

- 1 *neighborhoods and park lands and the Anacostia*
- 2 *River.*