

Calendar No. 469

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1508**

[Report No. 104-294]

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**AN ACT**

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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JUNE 26, 1996

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 1995

Received; read twice and referred to the Committee on Governmental Affairs

JUNE 26, 1996

Reported by Mr. STEVENS, without amendment

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**AN ACT**

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  
5        Island Act of 1995".

6        **SEC. 2. DEFINITIONS.**

7        For the purposes of this Act:

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

4           (2) The term “District” means the District of  
5 Columbia.

6           (3) The term “Islands” means Heritage Island  
7 and all of that portion of Kingman Island located  
8 south of Benning Road and within the District of  
9 Columbia and the Anacostia River, being a portion  
10 of United States Reservation 343, Section F, as  
11 specified and legally described on the Survey.

12           (4) The term “National Children’s Island”  
13 means a cultural, educational, and family-oriented  
14 recreation park, together with a children’s play-  
15 ground, to be developed and operated in accordance  
16 with the Children’s Island Development Plan Act of  
17 1993, D.C. Act 10–110.

18           (5) The term “playground” means the chil-  
19 dren’s playground that is part of National Children’s  
20 Island and includes all lands on the Islands located  
21 south of East Capitol Street.

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

1           (7) The term “Secretary” means the Secretary  
2 of the Interior.

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

6 **SEC. 3. PROPERTY TRANSFER.**

7           (a) TRANSFER OF TITLE.—In order to facilitate the  
8 construction, development, and operation of National Chil-  
9 dren’s Island, the Secretary shall, not later than six  
10 months after the date of enactment of this Act and subject  
11 to this Act, transfer by quitclaim deed, without consider-  
12 ation, to the District all right, title, and interest of the  
13 United States in and to the Islands. Unbudgeted actual  
14 costs incurred by the Secretary for such transfer shall be  
15 borne by the District. The District may seek reimburse-  
16 ment from any third party for such costs.

17           (b) GRANT OF EASEMENTS.—(1) The Secretary  
18 shall, not later than six months after the date of enact-  
19 ment of this Act, grant, without consideration, to the Dis-  
20 trict, permanent easements across the waterways and bed  
21 of the Anacostia River as described in the Survey as  
22 Leased Riverbed Areas A, B, C, and D, and across the  
23 shoreline of the Anacostia River as depicted on the plat  
24 map recorded in the Office of the Surveyor of the District  
25 as S.O. 92–252.

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

3           (A) constructing, reconstructing, maintaining,  
4 operating, and otherwise using only such bridges,  
5 roads, and other improvements as are necessary or  
6 desirable for vehicular and pedestrian egress and in-  
7 gress to and from the Islands and which satisfy the  
8 District Building Code and applicable safety require-  
9 ments;

10           (B) installing, reinstalling, maintaining, and op-  
11 erating utility transmission corridors, including (but  
12 not limited to) all necessary electricity, water, sewer,  
13 gas, necessary or desirable for the construction, re-  
14 construction, maintenance, and operation of the Is-  
15 lands and any and all improvements located thereon  
16 from time to time; and

17           (C) constructing, reconstructing, maintaining,  
18 operating, and otherwise providing necessary infor-  
19 mational kiosk, ticketing booth, and security for the  
20 Islands.

21           (3) Easements granted under paragraph (1) shall be  
22 assignable by the District to any lessee, sublessee, or oper-  
23 ator, or any combination thereof, of the Islands.

24           (c) DEVELOPMENT.—The development of National  
25 Children’s Island shall proceed as specified in paragraph

1 3 of the legend on the plat or as otherwise authorized by  
2 the District by agreement, lease, resolution, appropriate  
3 executive action, or otherwise.

4 (d) REVERSION.—(1) The transfer under subsection  
5 (a) and the grant of easements under subsection (b) shall  
6 be subject to the condition that the Islands only be used  
7 for the purposes of National Children’s Island. Title in  
8 the property transferred under subsection (a) and the  
9 easements granted under subsection (b), shall revert to the  
10 United States 60 days after the date on which the Sec-  
11 retary provides written notice of the reversion to the Dis-  
12 trict based on the Secretary’s determination, which shall  
13 be made in accordance with chapter 5 of title 5, United  
14 States Code (relating to administrative procedures), that  
15 one of the following has occurred:

16 (A) Failure to commence improvements in the  
17 recreational park within the earlier of—

18 (i) three years after building permits are  
19 obtained for construction of such improvements;

20 or

21 (ii) four years after title has been trans-  
22 ferred, as provided in subsection (a).

23 (B) Failure to commence operation of the recre-  
24 ation park within the earlier of—

1 (i) five years after building permits are ob-  
2 tained for construction of such improvements;

3 or

4 (ii) seven years after title has been trans-  
5 ferred, as provided in subsection (a).

6 (C) After completion of construction and com-  
7 mencement of operation, the abandonment or non-  
8 use of the recreation park for a period of two years.

9 (D) After completion of construction and com-  
10 mencement of operation, conversion of the Islands to  
11 a use other than that specified in this Act or conver-  
12 sion to a parking use not in accordance with section  
13 4(b).

14 (2) The periods referred to in paragraph (1) shall be  
15 extended during the pendency of any lawsuit which seeks  
16 to enjoin the development or operation of National Chil-  
17 dren's Island or the administrative process leading to such  
18 development or operation.

19 (3) Following any reconveyance or reversion to the  
20 National Park Service, any and all claims and judgments  
21 arising during the period the District holds title to the  
22 Islands, the playground, and premises shall remain the re-  
23 sponsibility of the District, and such reconveyance or re-  
24 version shall extinguish any and all leases, rights or privi-

1 leges to the Islands and the playground granted by the  
2 District.

3       (4) The District shall require any nongovernmental  
4 entity authorized to construct, develop, and operate Na-  
5 tional Children's Island to establish an escrow fund, post  
6 a surety bond, provide a letter of credit or otherwise pro-  
7 vide such security for the benefit of the National Park  
8 Service, substantially equivalent to that specified in para-  
9 graph 11 of the legend on the plat, to serve as the sole  
10 source of funding for restoration of the recreation park  
11 to a condition suitable for National Park Service purposes  
12 (namely, the removal of all buildings and grading, seeding  
13 and landscaping of the recreation park) upon reversion of  
14 the property. If, on the date which is two years from the  
15 date of reversion of the property, the National Park Serv-  
16 ice has not commenced restoration or is not diligently pro-  
17 ceeding with such restoration, any amount in the escrow  
18 fund shall be distributed to such nongovernmental entity.

19 **SEC. 4. PROVISIONS RELATING TO LANDS TRANSFERRED**  
20 **AND EASEMENTS GRANTED.**

21       (a) **PLAYGROUND.**—Operation of the recreation park  
22 may only commence simultaneously with or subsequent to  
23 improvement and opening of a children's playground at  
24 National Children's Island that is available to the public  
25 free of charge. The playground shall only include those

1 improvements traditionally or ordinarily included in a pub-  
2 licly maintained children's playground. Operation of the  
3 recreation park is at all times dependent on the continued  
4 maintenance of the children's playground.

5 (b) PUBLIC PARKING.—Public parking on the Islands  
6 is prohibited, except for handicapped parking, emergency  
7 and government vehicles, and parking related to construct-  
8 ing, and servicing National Children's Island.

9 (c) REQUIRED APPROVALS.—Before construction  
10 commences, the final design plans for the recreation park  
11 and playground, and all related structures, including  
12 bridges and roads, are subject to the review and approval  
13 of the National Capital Planning Commission and of the  
14 District of Columbia in accordance with the Children's Is-  
15 land Development Plan Act of 1993 (D.C. Act 10–110).  
16 The District of Columbia shall carry out its review of this  
17 project in full compliance with all applicable provisions of  
18 the National Environmental Policy Act of 1969.

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

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

22 (1) The Transfer of Jurisdiction concerning the  
23 Islands from the National Park Service to the Dis-  
24 trict dated February 1993, as set out on the plat  
25 map recorded in the Office of the Surveyor of the

1 District as S.O. 92–252 and as approved by the  
2 Council of the District by Resolution 10–91, shall  
3 become null and void and of no further force and ef-  
4 fect, except for the references in this Act to para-  
5 graphs 3 and 11 of the legend on the plat.

6 (2) The Islands shall no longer be considered to  
7 be part of Anacostia Park and shall not be consid-  
8 ered to be within the park system of the District;  
9 therefore, the provisions of section 2 of the Act enti-  
10 tled “An Act to vest in the Commissioners of the  
11 District of Columbia control of street parking in said  
12 District”, approved July 1, 1898 (ch. 543, 30 Stat.  
13 570; D.C. Code 8–104), shall not apply to the Is-  
14 lands, and the District shall have exclusive charge  
15 and control over the Islands and easements trans-  
16 ferred.

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

21 (b) USE OF CERTAIN LANDS FOR PARKING AND  
22 OTHER PURPOSES.—Notwithstanding any other provision  
23 of law, the District is hereby authorized to grant via ap-  
24 propriate instrument to a nongovernmental individual or  
25 entity any and all of its rights to use the lands currently

1 being leased by the United States to the District pursuant  
2 to the District of Columbia Stadium Act of 1957 (Public  
3 Law 85–300, September 7, 1957, 71 Stat. 619) for park-  
4 ing facilities (and necessary informational kiosk, ticketing  
5 booth, and security) as the Mayor of the District in his  
6 discretion may determine necessary or appropriate in con-  
7 nection with or in support of National Children’s Island.

8 **SEC. 6. SAVINGS PROVISIONS.**

9 No provision of this Act shall be construed—

10 (1) as an express or implied endorsement or ap-  
11 proval by the Congress of any such construction, de-  
12 velopment, or operation of National Children’s Is-  
13 land;

14 (2) except as provided in section 5, to exempt  
15 the recreational park and playground from the laws  
16 of the United States or the District, including laws  
17 relating to the environment, health, and safety; or

18 (3) to prevent additional conditions on the Na-  
19 tional Children’s Island development or operation to  
20 mitigate adverse impacts on adjacent residential  
21 neighborhoods and park lands and the Anacostia  
22 River.