

Subcommittee on Federal Lands

Tom McClintock, Chairman
Hearing Memorandum

October 6, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff – Will Layden
Subcommittee on Federal Lands (x6-7736)

Hearing: **H.R. 3373 (Rep. Eleanor Holmes Norton)** To amend the District of Columbia Stadium Act of 1957 to extend for an additional 50 years the lease under which the government of the District of Columbia uses the ground under and the parking facilities associated with Robert F. Kennedy Memorial Stadium.
Wednesday, October 11, 2017, 10:00AM, 1334 Longworth HOB

Summary of the Bill

H.R. 3373 extends the lease on the ground under Robert F. Kennedy Memorial Stadium by 50 years.

Invited Witnesses

Mr. Gregory A. O'Dell
President and Chief Executive Officer
Events DC
Washington, DC

Background

In 1957, Congress directed the D.C. Armory Board to begin construction on the D.C. Stadium, now the Robert F. Kennedy Memorial Stadium (R.F.K. Stadium). The authorizing legislation, the *District of Columbia Stadium Act* (P.L. 85-300) directed the Secretary of the Interior to acquire real property on East Capitol Street and to contract with the D.C. Armory Board for the construction, maintenance, and operation of a new stadium. Per the Act, the District of Columbia (the District) would front the cost of construction, but the stadium and the grounds would remain federal property with revenue from the stadium offsetting the initial investment from the city. Construction was completed in 1961 at a cost of \$19.8 million, financed by the District of Columbia via issuance of 20-year revenue bonds. However, contrary to expectations, stadium revenue was never enough to offset both annual interest payments or bond principal, and by 1978 the District had paid \$12.8 million in interest but had made no payments on the principal.¹

As such, the Carter Administration established the 1977 Presidential Task Force on the District of Columbia which addressed the repayment of the stadium bonds. The resulting plan determined that both the federal government and the District would be jointly responsible for the

¹ S. Report 99-185, "Transfer of Title to the District of Columbia of the Robert F. Kennedy Stadium," November 18, 1985.

payment of the \$19.8 million principal, while the District would be solely responsible for the \$12.8 million in interest. Due to the newfound financial burden, the plan additionally recommended that the title to both the stadium and surrounding lands be transferred to the District following the repayment of the bonds. The plan was enacted smoothly, facilitating the full payment of the loans and interest by 1979. However, the stadium remained the property of the Federal Government until 1986, with the D.C. Amory Board contracting with the National Parks Service for use of the Stadium.²

Transfer of the stadium was completed in 1986 with the adoption of *A bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia* (P.L. 99-581). Importantly, the bill established a 50-year conditional lease on the ground under the stadium and surrounding parking facilities. The conditions outlined in P.L. 99-581 set strict use guidelines on the stadium, mandating that the facility only be used as stadium or for outdoor recreation activities. Under current law, the conditional lease is set to expire in 2038. H.R. 3373 seeks to extend this lease by 50 years, bringing the expiration date of the lease to 2088.

Recent efforts

There have been several efforts following P.L. 99-581 in 1986 to either renovate R.F.K. Stadium, construct a new stadium on adjacent grounds, or transfer the land from federal ownership to the District. In 1990 specifically, there were a series of House and Senate bills authorizing the use of lands adjacent to R.F.K. Stadium for the construction of a new NFL stadium to serve as a home for the Washington Redskins. However, due in part to public controversy surrounding the name of the franchise, no legislative action was taken.³

In March 2017, D.C. Mayor Muriel Bowser sent a letter to President Trump requesting either the extension of the lease to R.F.K. Stadium with removal of the land-use restrictions, or the complete transfer of the grounds under the stadium. The Mayor's letter cited the need to invest in the property to generate jobs and more green space in the growing Capitol Hill neighborhood as reason for either the transfer or extension.⁴

Administration Position

The administration position is currently unknown.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

² Ibid.

³ 139 Cong. Rec. 15214, "Statement of Sen. Campbell," 1993. <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1993-pt11/pdf/GPO-CRECB-1993-pt11-1-2.pdf>

⁴ Mayor Muriel Bowser to President Donald J. Trump, March 31, 2017. <https://mayor.dc.gov/release/mayor-bowser-letter-to-president-trump-land-transfers>

Effect on Current Law (Ramseyer)

Showing District of Columbia Law as amended by H.R. 3373

[text to be added highlighted in yellow; text to be deleted bracketed and highlighted in blue]

The District of Columbia Stadium Act of 1957 (sec. 3-326(b), D.C. Official Code)

(a) After payment of the bonds and interest or after a sinking fund sufficient for such purpose shall have been provided and shall be held solely for that purpose, but in any event not later than 50 years from September 7, 1957, all right, title, and interest in and to the Stadium constructed under this subchapter shall vest in the United States.

(b)(1) Not later than 180 days after October 29, 1986, the Secretary of the Interior shall:

(A) Convey without consideration to the government of the District of Columbia all right, title, and interest of the United States in and to the building comprising the Stadium constructed under this subchapter; and

(B) Lease without consideration to the government of the District of Columbia:

(i) The ground under; and

(ii) The parking facilities associated with the Stadium constructed under this subchapter.

(2) [The lease] Except as provided in paragraph (3), the lease authorized by paragraph (1)(B) of this subsection shall be for a period of 50 years.

(3) The Secretary of the Interior shall extend the lease authorized by paragraph (1)(B) so that the lease shall be in effect for a total period of 100 years.

(c) The conveyance and lease of real property under subsection (b) of this section shall be subject to such terms and conditions (which shall be set forth in the instrument of conveyance) as will ensure that title to the property shall not be transferred by the District to any person or entity other than the United States or any political subdivision or agency of the District of Columbia or the United States and that the property will be used only for:

(1) Stadium purposes;

(2) Providing recreational facilities, open space, or public outdoor recreation opportunities;

(3) Such other public purposes for which the property was used prior to June 1, 1985; and

(4) Such other public purposes for which the property was approved for use by the Secretary with the concurrence of the National Capital Planning Commission prior to June 1, 1985.

(d)(1) The instrument of conveyance and the lease referred to in subsection (c) of this section shall provide that all right, title, and interest conveyed to the District of Columbia pursuant to such instrument of conveyance shall revert to the United States and the lease shall terminate if:

(A) The terms and conditions referred to in subsection (c) of this section have not been complied with, as determined by the Secretary, and

(B) Such noncompliance has not been corrected within 90 days after written notice of such noncompliance has been received by the Mayor of the District of Columbia. Such noncompliance shall be treated as corrected if the District of Columbia and the Secretary enter into an agreement, with the concurrence of the National Capital Planning Commission, which the Secretary considers adequate to ensure that the property will be used in a manner consistent with the purposes referred to in subsection (c) of this section.

(2) No person may bring an action respecting a violation of any term or condition referred to in subsection (c) of this section before the expiration of 90 days after the date on which such person has notified the Mayor of the District of Columbia of the alleged violation. The notice shall include notice of such person's intention to bring an action to declare a reversion and termination of the lease under paragraph (1) of this subsection.

(3) The conveyance of real property under subsection (b) of this section shall be made subject to the condition that the District of Columbia shall bear the cost of removing structures or rehabilitating the land or Stadium should the Stadium revert to the United States pursuant to this subsection.

(4) Any property which reverts to the Secretary under this subsection shall be administered by the Secretary as part of the Park System of the Nation's Capital in accordance with the provisions of the Act of August 25, 1916 ([16 U.S.C. §§ 1, 2 - 4](#)), and other provisions of the law generally applicable to units of the national park system.

(e)(1) Upon receipt of a written description from the District of Columbia of not more than 15 contiguous acres (hereinafter referred to as "the 15 acres"), within the area designated "D" on the revised map entitled "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District" and bound by 21st Street, NE, Oklahoma Avenue, NE, Benning Road, NE, the Metro line, and C Street, NE, and execution of a long-term lease by the Mayor of the District of Columbia that is contingent upon the Secretary's conveyance of the 15 acres and for the purpose consistent with this paragraph, the Secretary shall convey the 15 acres described land to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

(2) Upon conveyance, the portion of the stadium lease that affects the 15 acres on the property and all the conditions associated therewith shall terminate, and the 15 acres property shall be removed from the "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District", and the long-term lease described in paragraph (1) of this subsection shall take effect immediately. The Mayor of the District of Columbia shall execute and deliver a quitclaim deed to effectuate the District's responsibilities under this section.