

ILLINOIS LAND CONSERVATION ACT OF 1995

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JULY 18, 1995.—Ordered to be printed
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Mr. SHUSTER, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 714]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 714) to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Illinois Land Conservation Act of 1995”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

- Sec. 101. Principles of transfer.
Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.
Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.
Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.
Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.
Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

- Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.
Sec. 202. Disposal of certain real property at Arsenal for a county landfill.
Sec. 203. Disposal of certain real property at Arsenal for economic development.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "Defense Environmental Restoration Program" means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDWIN NATIONAL TALLGRASS PRAIRIE

SEC. 101. PRINCIPLES OF TRANSFER.

(a) **LAND USE PLAN.**—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) **TRANSFER WITHOUT REIMBURSEMENT.**—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) **MANAGEMENT OF MNP.**—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with sections 104 and 105 regarding the Midewin National Tallgrass Prairie.

(d) **SECURITY MEASURES.**—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) **COOPERATIVE AGREEMENTS.**—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private orga-

nizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) INITIAL TRANSFER OF JURISDICTION.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) EFFECT ON CONTINUED RESPONSIBILITIES AND LIABILITY OF SECRETARY OF THE ARMY.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

- (A) water treatment;
- (B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;
- (C) other purposes related to any response action at the Arsenal; and
- (D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and section 105.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum prod-

ucts or their derivatives, the response action or other such action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) RESPONSIBILITY.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall—

(1) remain liable for environmental contamination attributed to the Army; and

(2) with respect to such contamination, continue to carry out—

(A) all response actions required under CERCLA at or related to the property;

(B) all remediation actions required under any other environmental law at or related to the property; and

(C) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) **ESTABLISHMENT.**—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

- (1) be administered by the Secretary of Agriculture; and
- (2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) **INITIAL MANAGEMENT ACTIVITIES.**—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) **LAND AND RESOURCE MANAGEMENT PLAN.**—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) **PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.**—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

- (1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.
- (2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- (3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.
- (4) To provide opportunities for scientific research.
- (5) To provide opportunities for environmental and land use education.
- (6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.
- (7) To conserve and enhance the quality of aquatic habitat.
- (8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) **OTHER LAND ACQUISITION FOR MNP.**—

(1) **LAND ACQUISITION FUNDS.**—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 4601–5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) **ACQUISITION OF PRIVATE LANDS.**—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

(e) **COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.**—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing

authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) **PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.**—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) **AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.**—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) **TREATMENT OF RENTAL FEES.**—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, to cover the cost to the United States of such prairie-improvement work as the Secretary may direct. Any portion of any deposit made to the fund which the Secretary determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) **USER FEES.**—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) **SALVAGE OF IMPROVEMENTS.**—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this Act.

(f) **TREATMENT OF USER FEES AND SALVAGE RECEIPTS.**—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the Midewin National Tallgrass Prairie Restoration Fund shall be available to the Secretary of Agriculture, in such amounts as are provided in advance

in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c):

(1) Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 27: Study Area L23, Group 62: Study Area L25, PVC Area: Study Area L33, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Proposed Future Land Use Map, dated May 30, 1995.

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and part of sections 25 and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) **TRANSFER REQUIRED.**—Subject to section 301, the Secretary of the Army shall transfer, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) **DESCRIPTION OF PROPERTY.**—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) **CONDITION ON CONVEYANCE.**—The conveyance shall be subject to the condition that the Army (or its agents or assigns) may use the landfill established on the real property transferred under subsection (a) for the disposal of construction debris, refuse, and other nonhazardous materials from the restoration and cleanup of the Arsenal property as provided for in this Act. Such use shall be at no cost to the Federal Government.

(d) **REVERSIONARY INTEREST.**—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being operated as a landfill or that Will County, Illinois, is in violation of the condition specified in subsection (c), all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) **SURVEYS.**—All costs of necessary surveys for the transfer of real property under this section shall be borne by Will County, Illinois.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.

(a) **TRANSFER REQUIRED.**—Subject to section 301, the Secretary of the Army shall transfer to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) **DESCRIPTION OF PROPERTY.**—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511' x 596' around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal Re-Use Concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) **CONSIDERATION.**—The conveyance under subsection (a) shall be made without consideration. However, the conveyance shall be subject to the condition that, if the State of Illinois reconveys all or any part of the conveyed property to a non-Federal entity, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property. The Secretary shall determine the fair market value of any property reconveyed by the State as of the time of the reconveyance, excluding the value of improvements made to the property by the State. The Secretary may treat a lease of the property as a reconveyance if the Secretary determines that the lease was used in an effort to avoid operation of this subsection. Amounts received under this subsection shall be deposited in the general fund of the Treasury for purposes of deficit reduction.

(d) **OTHER CONDITIONS OF CONVEYANCE.**—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(e) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Secretary makes the conveyance under subsection (a), if the Secretary determines that a condition specified in subsection (c) or (d) is not being satisfied, all right, title, and interest in and to the conveyed property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by the State of Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie under title I and the additional real property disposals required under title II shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

PURPOSE AND SUMMARY

The purpose of the “Illinois Land Conservation Act of 1995” is to provide for the orderly conversion of lands at the Joliet Army Ammunition Plant (“Joliet Arsenal”) to the Midewin National Tallgrass Prairie (MNP) and other non-defense purposes. The total acreage involved is 23,500 acres (36.7 square miles). Of this amount, 3,000 acres would be transferred to the State of Illinois for use in economic redevelopment; 982 acres would be transferred to the Department of Veterans Affairs for use as a national cemetery; 455 acres would be transferred to Will County, Illinois for use as a landfill; and the remaining 19,063 acres would be transferred to the Department of Agriculture for management as the MNP. The Department of the Army would retain responsibility for environmental restoration of Arsenal properties, including the cleanup of sites under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“Superfund”).

NEED FOR LEGISLATION

In April of 1993, the Department of the Army announced the closing of the Joliet Arsenal, located in northeast Illinois, about 40 miles southwest of Chicago. The Joliet Arsenal was the Army’s leading producer of munitions during World War II and was reac-

tivated during the Korean and Viet Nam conflicts; however, the Army determined that the Arsenal is no longer required for use by the military.

Also in 1993, then-Congressman George Sangmeister formed the “Joliet Arsenal Citizen Planning Commission” to develop recommendations for use of Arsenal lands. This action was taken based on the recognized opportunity to achieve multi-use benefits with Arsenal lands.

The Commission consisted of representatives from local, State and Federal agencies, local school districts and conservation groups, and the business community. The Commission developed a consensus plan in April of 1994 and revised its recommendations on May 30, 1995. This plan is reflected in the “Proposed Future Land Use” map provided to the Committee on Transportation and Infrastructure in June of 1995.

The bill H.R. 714 would ratify in principle the proposals generally identified on the land use map and would result in resumed beneficial use of Arsenal lands. The plan has four basic goals: (1) reestablish prairie habitat for wildlife, recreational and educational purposes, through creation of the Midewin National Tallgrass Prairie (MNP); (2) create a national cemetery to satisfy the need for such a facility in the region; (3) establish an area for economic redevelopment to partially compensate for lost economic activity due to the Arsenal's closure; and (4) establish a landfill for use by Will County and for use in the disposition of non-hazardous materials resulting from the Army's cleanup activity at the Arsenal. These goals will be achieved without reducing the Army's responsibility for any environmental cleanup work that is required under existing law.

DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

Section 1. Short title and table of contents

Section 2. Definitions

Defines key terms used in the bill, including “environmental law”, “MNP”, and several terms from the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“Superfund”).

Title I—Conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie

Section 101. Principles of transfer

This section ratifies in principle the land use plan developed by the Joliet Arsenal Citizen Planning Commission and approved by the Commission on May 30, 1995. Arsenal lands that are to be converted to the MNP are to be transferred from the Secretary of the Army to the Secretary of Agriculture without reimbursement. Both the Army and Agriculture are to be responsible for providing physical security measure on lands under their respective jurisdictions. Prior to the transfer of land from the Army's jurisdiction to Agriculture's jurisdiction, Agriculture is to have reasonable access to the Arsenal for planning, resource, inventory and other activities that are consistent with the purposes of the MNP.

The Committee recognizes that detailed plans for the future use and management of Arsenal lands and facilities do not yet exist. That is why the Commission's land use plan is ratified in principle by this section. A general land use plan has been provided to the Committee that reflects the recommended future uses of Arsenal lands, the location of Superfund study sites, resource management designations and other features of the Arsenal. While the Committee's approval is based on the information contained in the plan, it understands that minor modifications may be necessary to fully implement the MNP and other provisions of this bill.

Section 102. Transfer of management responsibilities and jurisdiction over Arsenal

This section requires the Secretary of the Army to transfer to the Secretary of Agriculture within 6 months of enactment those Arsenal lands that do not require further cleanup or other action under any environmental law. Remaining additional lands that are to become eligible for inclusion in the MNP are to be transferred as they are determined by the Administrator of the Environmental Protection Agency and the Secretary of the Army to require no further cleanup. Transfers of Arsenal property required in this section do not diminish the Army's responsibility or liability for cleanup activities on the Arsenal. All Arsenal lands are to be transferred except (1) those lands retained by Army (including those identified in section 106) for use in: water treatment; treatment, storage or disposal of hazardous substance or other listed items; response actions at the Arsenal; and other actions required under other environmental laws, and (2) those lands transferred to other entities in accordance with Title II.

The Secretary of the Army is to consult with the Secretary of Agriculture to coordinate activities at the Arsenal to assure that, to the extent practicable, such activities are consistent with the purposes of the MNP. Where property management conflicts do occur, however, the Army's environmental response actions and other environmental restoration activities are to receive priority.

Section 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup

This section clarifies that the Secretary of the Army's liability and responsibility on transferred Arsenal lands, whether under Superfund or other environmental law, is not to transfer to the Secretary of Agriculture. This section further provides that the Secretary of the Army shall remain liable for environmental contamination attributed to the Army and shall carry out all response and other actions required under the Superfund and other environmental laws. However, any Federal agency whose operations at the Arsenal result in a release or threatened release of hazardous substances or other items is required to pay the cost of necessary response or remedial actions. Agriculture must coordinate its proposed activities with the Army to assure that contamination problems are not exacerbated.

Section 104. Establishment and administration of Midewin National Tallgrass Prairie

Section 104 requires the Secretary of Agriculture to establish the Midewin National Tallgrass Prairie (MNP) when lands are transferred by the Army for that purpose. The MNP is to be managed as part of the National Forest System. Agriculture is to consult with the State of Illinois and local governments in developing the MNP land and resource management plan and shall allow for public comment. The MNP is to be managed for various conservation, public use, scientific, educational and recreational purposes. The Land & Water Conservation Fund may be used to acquire additional land from willing sellers for inclusion in the MNP. In managing the MNP, Agriculture is to cooperate with appropriate Federal, State and local governmental agencies as well as private interests having interest in the MNP.

Section 105. Special management requirements for Midewin National Tallgrass Prairie

No new construction of any Federal, State or local road or highway is to be permitted in the MNP, except for those required for us within the MNP and utility rights-of-way. Existing agricultural leases granted by the Army are to continue as special use permits issued by Agriculture, with terms and conditions that are identical to the original leases. Agriculture may issue new special use permits, provided rental fees are based on fair market value and are subject to appropriate terms and conditions. Permit durations are generally not to exceed 20 years beyond the date of enactment of this bill, but exceptions are allowed for grazing permits that are primarily related to erosion control, fish and wildlife benefits, or other resource management activities that are consistent with the purposes of the MNP. The appropriate share of monies from fees for leases or permits are to be provided to the State of Illinois in accordance with existing law; any funds that are not provided to the State are to go to a special fund in the Treasury. Subject to appropriation, funds in this special fund shall be available to Agriculture for prairie improvement activities; otherwise, they are to go to the Forest Service Fund.

Agriculture may also collect admission, occupancy and use fees and may sell for salvage any facilities and improvements (this does not include lands) which have been transferred to it. Monies from such fees and salvage shall be placed in a special MNP Restoration Fund in the Treasury for use in restoration and improvements at the MNP, subject to appropriation. Persons having a Golden Eagle Passport or a Golden Age Passport will not be required to pay any additional fees.

Section 106. Special disposal rules for certain Arsenal parcels intended for MNP

This section specifies additional parcels of land which, after remedial actions are taken by the Army and approved by EPA, Agriculture has the option to take over from the Army. These parcels are located in areas known as the Manufacturing Area and the Load-Assemble-Packing Area. If Agriculture accepts these lands, they shall be transferred by Army without reimbursement; other-

wise, the Army shall retain such lands and may dispose of such lands under applicable laws.

Title II—Other Real Property Disposals Involving Joliet Army
Ammunition Plant

Section 201. Disposal of certain real property at Arsenal for a national Cemetery

This section requires the Secretary of the Army to transfer 982 acres of Arsenal lands, without reimbursement, to the Department of Veterans Affairs, within 6 months of enactment, for use as a national cemetery. A general description of the Property is provided. Veterans Affairs is to provide necessary security measures and is responsible for paying the cost of necessary surveys.

Section 202. Disposal of certain real property at Arsenal for a county landfill

Section 202 requires the Army to transfer 455 acres of Arsenal lands, without compensation, to Will County, Illinois, to be operated as a landfill. A general description of the property is provided. Will County is to pay the costs of surveys necessary for the transfer of this property.

The conveyance required in this section is subject to the requirement that the Army is to be permitted to use the landfill at no cost for disposal of construction debris, refuse and other nonhazardous materials resulting from Army's restoration and cleanup activities at the Arsenal. Such use by the Army shall be at no cost to the Federal Government. If, during the 5-year period beginning after the date of conveyance, the Army determines that the site is not being operated as a landfill or that the Army is not being allowed to use the landfill for the previously mentioned disposal activities, title to the property shall revert to the United States.

In executing the agreement for the transfer of lands under this section, the Committee expects the Secretary of the Army to include adequate terms and conditions in connection with the conveyance that are appropriate to protect the interests of the United States. Such terms and conditions should include a condition relating to the reversionary interest that allows the Federal Government not to accept return of title to the lands if they become contaminated with any hazardous substance, pollutant, contaminant, hazardous material, or petroleum products or their derivatives following the initial transfer from the Army.

Section 203. Disposal of certain real property at Arsenal for economic development

This section requires the Army to transfer 3,000 acres of Arsenal lands, without compensation, to the State of Illinois, for economic redevelopment to replace economic activity lost at the Arsenal. A general description of the property is provided. The State of Illinois is to pay the costs of surveys necessary for the transfer of this property.

If the State reconveys any of the property, the United States is to be reimbursed an amount equal to fair market value of that property at the time of the reconveyance. The State, within 1 year

of enactment, must establish a redevelopment authority that will be responsible for overseeing the economic redevelopment activities. If, during the 20-year period beginning after the date of conveyance, the Army determines that the site is subsequently reconveyed by the State or that the State has not established a redevelopment authority, title to the property shall revert to the United States.

As in the previous section, the Committee expects the Secretary of the Army to include adequate terms and conditions in connection with the conveyance required in this section that are appropriate to protect the interests of the United States, including a condition relating to the reversionary interest that allows the Federal Government not to accept return of title to the lands if they are contaminated with any hazardous substance, pollutant, contaminant, hazardous material, or petroleum products or their derivatives following the initial transfer from the Army.

Title III—Miscellaneous provisions

Section 301. Degree of environmental cleanup

This section provides that nothing in this Act shall be construed to affect the degree of environmental cleanup required at the Arsenal. Establishment of the MNP shall not restrict or lessen any response action or degree or cleanup under Superfund or other environmental law. Any contract for sale, deed, or other transfer of real property under Title II shall be in accordance with applicable provisions of section 120(h) of Superfund and other environmental laws.

HEARINGS AND PREVIOUS LEGISLATIVE ACTIVITY

In the 103d Congress, Congressman Sangmeister introduced legislation (H.R. 4946) to implement the Commission's recommendations. Similar legislation (S. 2398) was introduced in the Senate by Senators Simon and Moseley-Braun. H.R. 4946 passed the House in October of 1994, but neither bill was acted on by the Senate.

On January 26, 1995, Congressman Jerry Weller reintroduced the bill as H.R. 714. The bill was referred to the Committees on Agriculture (primary committee), National Security, Commerce, and Transportation and Infrastructure. Senators Simon and Moseley-Braun introduced the Senate counterpart, S. 449, on February 16th. No other committee has held hearings or otherwise acted on the legislation.

On April 17, 1995, the Committee on Transportation and Infrastructure conducted a hearing on H.R. 714 in Elwood, Illinois, a community in the immediate vicinity of the Arsenal. Testimony was received from a number of Federal, state and local officials and representatives of veterans, conservation, economic development and educational organizations. Although several modifications were recommended (primarily from Federal Witnesses), the bill was broadly supported by the witnesses. The amended bill reflects consideration of those recommendations.

COMMITTEE CONSIDERATION

In order to expedite consideration of H.R. 714, the Subcommittee on Water Resources and Environment was discharged from consideration of the bill.

The Committee, in compliance with rule XI, clause 2(l) of the rules of the House of Representatives, reports favorably the bill, H.R. 714, as amended. The amendment was in the form of a substitute offered by Mr. Weller. The Committee approved the amendment and ordered the bill reported by voice vote.

COMMITTEE OVERSIGHT FINDINGS

Clause 2(l)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has no specific oversight findings.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE
ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(l)(3)(D) of rule XI requires each committee report to contain a summary of the oversight findings and recommendations made by the Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings have been timely submitted. The Committee on Transportation and Infrastructure has received no findings and recommendations from the Committee on Government Reform and Oversight.

COMMITTEE COST ESTIMATE

Clause 2(l)(3)(B) of rule XI requires each committee report that accompanies a measure providing new budget authority, new spending authority, or new credit authority or changing revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974 and, when practicable with respect to estimates of new budget authority, a comparison of the total estimated funding levels for the relevant program (or programs) to the appropriate levels under current law.

Clause 7. (a) of rule XIII requires committees to include their own cost estimates in certain committee reports, which include, where practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law.

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Clause 2(l)(3)(C) of rule XI requires each committee report to include a cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974, if the cost estimate is timely submitted. The following is the Congressional Budget Office cost estimate:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, June 26, 1995.

Hon. BUD SHUSTER,
 Chairman, Committee on Transportation and Infrastructure,
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 714, the Illinois Land Conservation Act of 1995, as ordered reported by the House Committee on Transportation and Infrastructure on June 14, 1995. This estimate differs from one that CBO prepared on June 14, 1995, which was for the introduced bill.

Enacting H.R. 714 would affect direct spending; hence, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
 (For June E. O'Neill, *Director*).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 714.
2. Bill title: The Illinois Land Conservation Act of 1995.
3. Bill status: As ordered reported by the House Committee on Transportation and Infrastructure on June 14, 1995.
4. Bill purpose: H.R. 714 would convert the Joliet Army Ammunition Plant (Arsenal) to the Midewin National Tallgrass Prairie (MNP). Conversion would occur by transferring a portion of the arsenal from the Department of the Army to the Department of Agriculture (USDA). At least 16,000 acres are expected to be transferred upon enactment, with another 3,000 acres transferred as the Army completes environmental clean-up already underway on the property. The bill also specifies that the Army must transfer about 982 acres to the Department of Veterans Affairs to establish a national cemetery, about 455 acres to Will County, Illinois, to be operated as a landfill, and about 3,000 acres to the state Illinois for economic development purposes. The bill provides for making all transfers without compensation, except that if the state of Illinois later sells any of the land transferred to it, Illinois must reimburse the federal government for the land's fair market value.
5. Estimated cost to the Federal Government: CBO estimates that enacting H.R. 714 would result in receipts from asset sales in fiscal years 1996 and 1997, increased offsetting receipts in 1998 through 2000, decrease direct spending in all years, and increased discretionary spending in all years. For pay-as-you-go purposes, the bill would decrease outlays by about \$1 million in 1996, \$1 million in 1997, and \$2 million in 1998. The following table summarizes the estimated budgetary changes, relative to current law, that would result from enacting H.R. 714.

[By fiscal years in millions of dollars]

	1996	1997	1998	1999	2000
ADDITIONAL ASSET SALE RECEIPTS					
Estimated Budget Authority	-1.8	-1.8	0	0	0

[By fiscal years in millions of dollars]

	1996	1997	1998	1999	2000
Estimated Outlays	-1.8	-1.8	0	0	0
ADDITIONAL OFFSETTING RECEIPTS AND DIRECT SPENDING					
Offsetting receipts:					
Estimated Budget Authority	0	0	-1.5	-3.0	-3.0
Estimated Outlays	0	0	-1.5	-3.0	-3.0
Direct spending:					
Estimated Budget Authority	-0.8	-0.8	-0.8	-0.8	-0.8
Estimated Outlays	-0.5	-0.7	-0.8	-0.8	-0.8
Net spending:					
Estimated Budget Authority	-0.8	-0.8	-2.3	-3.8	-3.8
Estimated Outlays	-0.5	-0.7	-2.3	-3.8	-3.8
ADDITIONAL SPENDING SUBJECT TO APPROPRIATIONS ACTION					
Estimated Budget Authority	4.0	18.1	2.3	3.8	3.8
Estimated Outlays	2.4	4.7	6.1	8.7	9.2

The costs of this bill fall within budget functions 050, 300, and 700.

The table does not include potential savings, subject to appropriations, that could accrue to the Army for decreased costs for both waste disposal and environmental clean-up associated with the arsenal property. The potential savings depend upon what appropriations for such costs would otherwise be, and those costs under current law are very uncertain.

6. Basis of estimate: The estimates shown in the table assume that H.R. 714 would be enacted by the beginning of fiscal year 1996 and that the necessary funds would be appropriated each year. Estimates are based on information from the Army, USDA, the Department of Veterans Affairs, Will County, Illinois, and the Illinois Department of Conservation.

Asset Sale Receipts. After receiving jurisdiction over the Joliet Arsenal, USDA plans to sell improvements (such as railroad equipment and steel) from the arsenal property, resulting in receipts estimated to total \$3.5 million over fiscal years 1996 and 1997. The Army has no plans to conduct such a sale under current law.

The Army is not now using the Joliet Arsenal and has no plans for its future use. The arsenal remains in caretaker status with ongoing operation and maintenance costs borne by the Army.

Offsetting Receipts. Agricultural leases on arsenal property currently bring in about \$1.1 million in receipts annually. H.R. 714 would permit agricultural leasing to continue on the property transferred from the Army to USDA, so there would be no change in the amount of such receipts.

Also as a result of enacting H.R. 714, USDA expects to collect annual user fees of about \$3 million from visitors to the new Midewin National Tallgrass Prairie (MNP) beginning three to four years after enactment of the bill. We estimate that user fee receipts would be phased in beginning in 1998 and would reach \$3 million a year by 1999.

In sum, under H.R. 714 asset sale receipts and other offsetting receipts would total about \$16.3 million over the five-year period (1996–2000)—an increase of about \$11 million over the receipts expected under current law.

Direct Spending. Under current law, the Army has authority to spend the agricultural lease receipts without further appropriation. H.R. 714, as approved by the Committee on Transportation and Infrastructure on June 14, 1995, would make the spending of all additional income received from the asset sales, user fees, and agricultural lease receipts subject to appropriations action, except that 25 percent of the agricultural lease receipts would be paid to the state without any appropriations action. Thus, compared to direct spending under current law, we estimate that outlays would decrease by roughly \$500,000 in 1996 and by about \$4 million over the 1996–2000 period.

Spending Subject to Appropriations Action. Section 105 provides for placing the receipts in special funds to pay for prairie-improvement work, and for restoring, operating and maintaining the MNP, including constructing a visitor and education center, recreational facilities, and administrative offices. Expenditures from this fund would be subject to appropriations action. Based on information from the USDA, CBO estimates that such expenditures would require appropriations of about \$2.6 million in fiscal year 1996 and, for the 1996–2000 period, a total of about \$15 million for prairie improvement and for operating and maintaining the proposed MNP—including any necessary construction.

The Department of Veterans Affairs (VA) is using 1995 funds to complete the master plan for the proposed national cemetery in Joliet. According to VA, about \$1.4 million would be necessary to begin the design phase of the project in 1996. VA also estimates \$15.5 million would be required to initiate construction in 1997. Hence, the table shows these amounts as a cost of implementing H.R. 714, which would be subject to appropriation of the necessary funds. Additional operating and maintenance costs would be incurred in years after 2000.

The bill specifies that the 455 acres transferred to Will County, Illinois, will be operated as a landfill and that any federal agency will be able to use the landfill at no cost. The Army plans to use the landfill for disposal of construction and building waste from the arsenal. By using this new landfill, the Army would save money by avoiding tipping fees as well as higher transportation fees for waste disposal at a more distant landfill. (Other waste from environmental clean-up at the arsenal would be disposed of at a permitted landfill appropriate for that waste.) Will County is unsure when the new landfill would open, but estimates that 1998 is the earliest that operations could begin. The Army is unsure of the amount of waste it would dispose of at this landfill. Given these uncertainties, CBO can estimate neither the timing nor the magnitude of any savings that might be realized if the Army used the new landfill. Hence, we have not included any estimate of savings in the table. If H.R. 714 were enacted and the Army used the proposed landfill, savings could be significant. (Preliminary Army estimates indicate that savings could range from several million dollars to more than \$100 million over several years.)

According to the Environmental Protection Agency (EPA), environmental clean-up at the arsenal is currently planned to meet recreational and industrial standards. Clean-up is scheduled to begin in 1997 and conclude by 2002. EPA has assumed the arsenal prop-

erty would be used for the recreational and industrial purposes specified in H.R. 714. Without specific plans indicating how a property will be used, EPA plans environmental clean-ups to a higher residential standard. While EPA cannot yet estimate the environmental clean-up costs at the arsenal, it has generally found clean-up to a residential standard to be significantly more costly than clean-up to recreational and industrial standards. CBO cannot predict what the actual clean-up costs or the final clean-up standards would be under current law because it is unclear whether the Army would transfer the property to another agency through the General Services Administration (GSA), or whether the property would be sold by GSA to someone in the private sector. Such transfers could affect the clean-up standard required. Depending on the clean-up standard applied under current law, the Army could realize considerable environmental clean-up savings in 1997 and beyond if the bill is enacted.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. H.R. 714 would affect direct spending by increasing offsetting receipts and by altering the current authority to spend offsetting receipts.

The following table shows CBO's estimate of the net change in outlays for pay-as-you-go purposes.

[By fiscal years in millions of dollars]

	1995	1996	1997	1998
Change in outlays	0	-1	-1	-2
Change in receipts	(¹)	(¹)	(¹)	(¹)

¹ Not applicable.

8. Estimated cost to State and local governments: The bill provides that if the state of Illinois sells or leases any of the 3,000 acres transferred to it, the state must reimburse the federal government for the land's fair market value. Based on information from the Army, we estimate that the current market value could be as high as \$3,000 per acre. The Illinois Department of Conservation does not expect to sell any land for at least ten to twenty years, however, and cannot predict how much land might be reconveyed at that time.

If H.R. 714 were enacted, the state of Illinois would receive 25 percent of the receipts from the agricultural leases on USDA's Forest Service land, which would total approximately \$275,000 per year.

The bill provides that Will County, Illinois and the state of Illinois pay the costs of any necessary surveys for the transfer of property. According to the Illinois Department of Conservation, the survey costs would be insignificant.

9. Estimate comparison: None.

10. Previous CBO estimate: On June 14, 1995, CBO prepared an estimate for H.R. 714 as introduced. That estimate differs from the estimate for the version approved by the Committee on Transportation and Infrastructure because the introduced version would allow direct spending of new USDA receipts without further legislation, while the Committee-approved version would make the

spending of most receipts subject to appropriations action. While the mix of direct spending and discretionary spending would be different for the two versions of the bill, we estimate that total spending would be the same if the full amounts estimated were appropriated.

11. Estimate prepared by: Victoria V. Heid and, for Veterans Affairs costs, Victoria Fraider.

12. Estimate approved by: Robert A. Sunshine for Paul N. Van De Water, Assistant Director for Budget Analysis.

INFLATIONARY IMPACT STATEMENT

Clause 2(l)(4) of rule XI requires each committee report on a bill or joint resolution of a public character to include an analytical statement describing what impact enactment of the measure would have on prices and costs in the operation of the national economy. The Committee has determined that H.R. 714 has no inflationary impact on the national economy.

