

**Calendar No. 162**

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

**H. R. 714**

**AN ACT**

To establish the Midewin National Tallgrass Prairie  
in the State of Illinois, and for other purposes.

AUGUST 2 (legislative day, JULY 10), 1995

Read twice and ordered placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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**AN ACT**

To establish the Midewin National Tallgrass Prairie in the  
State of Illinois, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the “Il-  
3 linois Land Conservation Act of 1995”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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 Arse-  
nal.

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 develop-  
ment.

**TITLE III—MISCELLANEOUS PROVISIONS**

Sec. 301. Degree of environmental cleanup.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

8 (1) The term “Administrator” means the Ad-  
9 ministrator of the United States Environmental Pro-  
10 tection Agency.

11 (2) The term “agricultural purposes” means  
12 the use of land for row crops, pasture, hay, and  
13 grazing.

1           (3) The term “Arsenal” means the Joliet Army  
2 Ammunition Plant located in the State of Illinois.

3           (4) The acronym “CERCLA” means the Com-  
4 prehensive Environmental Response, Compensation,  
5 and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

6           (5) The term “Defense Environmental Restora-  
7 tion Program” means the program of environmental  
8 restoration for defense installations established by  
9 the Secretary of Defense under section 2701 of title  
10 10, United States Code.

11           (6) The term “environmental law” means all  
12 applicable Federal, State, and local laws, regula-  
13 tions, and requirements related to protection of  
14 human health, natural and cultural resources, or the  
15 environment, including CERCLA, the Solid Waste  
16 Disposal Act (42 U.S.C. 6901 et seq.), the Federal  
17 Water Pollution Control Act (33 U.S.C. 1251 et  
18 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),  
19 the Federal Insecticide, Fungicide, and Rodenticide  
20 Act (7 U.S.C. 136 et seq.), the Toxic Substances  
21 Control Act (15 U.S.C. 2601 et seq.), and the Safe  
22 Drinking Water Act (42 U.S.C. 300f et seq.).

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

1           (8) The abbreviation “MNP” means the  
2 Midewin National Tallgrass Prairie established pur-  
3 suant to section 104 and managed as a part of the  
4 National Forest System.

5           (9) The term “national cemetery” means a  
6 cemetery established and operated as part of the Na-  
7 tional Cemetery System of the Department of Veter-  
8 ans Affairs and subject to the provisions of chapter  
9 24 of title 38, United States Code.

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

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

16          (12) The term “release” has the meaning given  
17 such term by section 101(22) of CERCLA (42  
18 U.S.C. 9601(22)).

19          (13) The term “response action” has the mean-  
20 ing given the term “response” by section 101(25) of  
21 CERCLA (42 U.S.C. 9601(25)).

1 **TITLE I—CONVERSION OF JO-**  
2 **LIET ARMY AMMUNITION**  
3 **PLANT TO MIDEWIN NA-**  
4 **TIONAL TALLGRASS PRAIRIE**

5 **SEC. 101. PRINCIPLES OF TRANSFER.**

6 (a) LAND USE PLAN.—The Congress ratifies in prin-  
7 ciple the proposals generally identified by the land use  
8 plan which was developed by the Joliet Arsenal Citizen  
9 Planning Commission and unanimously approved on May  
10 30, 1995.

11 (b) TRANSFER WITHOUT REIMBURSEMENT.—The  
12 area constituting the Midewin National Tallgrass Prairie  
13 shall be transferred, without reimbursement, to the Sec-  
14 retary of Agriculture.

15 (c) MANAGEMENT OF MNP.—Management by the  
16 Secretary of Agriculture of those portions of the Arsenal  
17 transferred to the Secretary under this Act shall be in ac-  
18 cordance with sections 104 and 105 regarding the  
19 Midewin National Tallgrass Prairie.

20 (d) SECURITY MEASURES.—The Secretary of the  
21 Army and the Secretary of Agriculture shall each provide  
22 and maintain physical and other security measures on  
23 such portion of the Arsenal as is under the administrative  
24 jurisdiction of such Secretary. Such security measures  
25 (which may include fences and natural barriers) shall in-

1 clude measures to prevent members of the public from  
2 gaining unauthorized access to such portions of the Arse-  
3 nal as are under the administrative jurisdiction of such  
4 Secretary and that may endanger health or safety.

5 (e) COOPERATIVE AGREEMENTS.—The Secretary of  
6 the Army, the Secretary of Agriculture, and the Adminis-  
7 trator are individually and collectively authorized to enter  
8 into cooperative agreements and memoranda of under-  
9 standing among each other and with other affected Fed-  
10 eral agencies, State and local governments, private organi-  
11 zations, and corporations to carry out the purposes for  
12 which the Midewin National Tallgrass Prairie is estab-  
13 lished.

14 (f) INTERIM ACTIVITIES OF THE SECRETARY OF AG-  
15 RICULTURE.—Prior to transfer and subject to such rea-  
16 sonable terms and conditions as the Secretary of the Army  
17 may prescribe, the Secretary of Agriculture may enter  
18 upon the Arsenal property for purposes related to plan-  
19 ning, resource inventory, fish and wildlife habitat manipu-  
20 lation (which may include prescribed burning), and other  
21 such activities consistent with the purposes for which the  
22 Midewin National Tallgrass Prairie is established.

1 **SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES**  
2 **AND JURISDICTION OVER ARSENAL.**

3 (a) INITIAL TRANSFER OF JURISDICTION.—Within 6  
4 months after the date of the enactment of this Act, the  
5 Secretary of the Army shall effect the transfer of those  
6 portions of the Arsenal property identified for transfer to  
7 the Secretary of Agriculture pursuant to subsection (d).  
8 The Secretary of the Army shall transfer to the Secretary  
9 of Agriculture only those portions of the Arsenal for which  
10 the Secretary of the Army and the Administrator concur  
11 that no further action is required under any environmental  
12 law and which therefore have been eliminated from the  
13 areas to be further studied pursuant to the Defense Envi-  
14 ronmental Restoration Program for the Arsenal. Within  
15 4 months after the date of the enactment of this Act, the  
16 Secretary of the Army and the Administrator shall provide  
17 to the Secretary of Agriculture all existing documentation  
18 supporting such finding and all existing information relat-  
19 ing to the environmental conditions of the portions of the  
20 Arsenal to be transferred to the Secretary of Agriculture  
21 pursuant to this subsection.

22 (b) ADDITIONAL TRANSFERS.—The Secretary of the  
23 Army shall transfer to the Secretary of Agriculture in ac-  
24 cordance with section 106(c) any portion of the property  
25 generally identified in subsection (d) and not transferred  
26 under subsection (a) after the Secretary of the Army and

1 the Administrator concur that no further action is re-  
2 quired at that portion of property under any environ-  
3 mental law and that such portion is therefore eliminated  
4 from the areas to be further studied pursuant to the De-  
5 fense Environmental Restoration Program for the Arse-  
6 nal. At least 2 months before any transfer under this sub-  
7 section, the Secretary of the Army and the Administrator  
8 shall provide to the Secretary of Agriculture all existing  
9 documentation supporting such finding and all existing in-  
10 formation relating to the environmental conditions of the  
11 portion of the Arsenal to be transferred. Transfer of juris-  
12 diction pursuant to this subsection may be accomplished  
13 on a parcel-by-parcel basis.

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

19 (d) IDENTIFICATION OF PORTIONS FOR TRANSFER  
20 FOR MNP.—The lands to be transferred to the Secretary  
21 of Agriculture under subsections (a) and (b) shall be iden-  
22 tified on a map or maps which shall be agreed to by the  
23 Secretary of the Army and the Secretary of Agriculture.  
24 Generally, the land to be transferred to the Secretary of  
25 Agriculture shall be all the real property and improve-

1 ments comprising the Arsenal, except for lands and facili-  
2 ties described in subsection (e) or designated for disposal  
3 under section 106 or title II.

4 (e) PROPERTY USED FOR ENVIRONMENTAL CLEAN-  
5 UP.—

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

9 (A) water treatment;

10 (B) the treatment, storage, or disposal of  
11 any hazardous substance, pollutant or contami-  
12 nant, hazardous material, or petroleum prod-  
13 ucts or their derivatives;

14 (C) other purposes related to any response  
15 action at the Arsenal; and

16 (D) other actions required at the Arsenal  
17 under any environmental law to remediate con-  
18 tamination or conditions of noncompliance with  
19 any environmental law.

20 (2) CONDITIONS.—The Secretary of the Army  
21 shall consult with the Secretary of Agriculture re-  
22 garding the identification and management of the  
23 real property retained under this subsection and en-  
24 sure that activities carried out on that property are  
25 consistent, to the extent practicable, with the pur-

1 poses for which the Midewin National Tallgrass  
2 Prairie is established, as specified in section 104(c),  
3 and with the other provisions of such section and  
4 section 105.

5 (3) PRIORITY OF RESPONSE ACTIONS.—In the  
6 case of any conflict between management of the  
7 property by the Secretary of Agriculture and any re-  
8 sponse action, or any other action required under  
9 any other environmental law, including actions to re-  
10 mediate petroleum products of their derivatives, the  
11 response action or other action shall take priority.

12 (f) SURVEYS.—All costs of necessary surveys for the  
13 transfer of jurisdiction of Arsenal property from the Sec-  
14 retary of the Army to the Secretary of Agriculture shall  
15 be borne by the Secretary of Agriculture.

16 **SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABIL-**  
17 **ITY OF SECRETARY OF THE ARMY FOR ENVI-**  
18 **RONMENTAL CLEANUP.**

19 (a) RESPONSIBILITY.—The liabilities and responsibil-  
20 ities of the Secretary of the Army under any environ-  
21 mental law shall not transfer under any circumstances to  
22 the Secretary of Agriculture as a result of the property  
23 transfers made under section 102 or section 106, or as  
24 a result of interim activities of the Secretary of Agri-  
25 culture on Arsenal property under section 101(f). With re-

1 spect to the real property at the Arsenal, the Secretary  
2 of the Army shall remain liable for and continue to carry  
3 out—

4 (1) all response actions required under  
5 CERCLA at or related to the property;

6 (2) all remediation actions required under any  
7 other environmental law at or related to the prop-  
8 erty; and

9 (3) all actions required under any other envi-  
10 ronmental law to remediate petroleum products or  
11 their derivatives (including motor oil and aviation  
12 fuel) at or related to the property.

13 (b) LIABILITY.—

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

21 (2) LIABILITY OF SECRETARY OF THE ARMY.—  
22 The Secretary of the Army shall retain any obliga-  
23 tion or other liability at the Arsenal that the Sec-  
24 retary may have under CERCLA and other environ-  
25 mental laws. Following transfer of any portions of

1 the Arsenal pursuant to this Act, the Secretary of  
2 the Army shall be accorded all easements and access  
3 to such property as may be reasonably required to  
4 carry out such obligation or satisfy such liability.

5 (3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not  
6 be responsible or liable under any environmental law  
7 for matters which are in any way related directly or  
8 indirectly to activities of the Secretary of the Army,  
9 or any party acting under the authority of the Secretary in connection with the Defense Environmental  
10 Restoration Program, at the Arsenal and which are  
11 for any of the following:  
12

13 (A) Costs of response actions required  
14 under CERCLA at or related to the Arsenal.  
15

16 (B) Costs, penalties, or fines related to  
17 noncompliance with any environmental law at  
18 or related to the Arsenal or related to the presence, release, or threat of release of any hazardous  
19 substance, pollutant, contaminant, hazardous  
20 waste or hazardous material of any kind at  
21 or related to the Arsenal, including contamination resulting from migration of hazardous substances,  
22 pollutants, contaminants, hazardous materials, or petroleum products or their de-  
23  
24  
25

1 derivatives disposed during activities of the De-  
2 partment of the Army.

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

6 (c) PAYMENT OF RESPONSE ACTION COSTS.—Any  
7 Federal department or agency that had or has operations  
8 at the Arsenal resulting in the release or threatened re-  
9 lease of hazardous substances, pollutants, or contaminants  
10 shall pay the cost of related response actions, or related  
11 actions under other environmental laws, including actions  
12 to remediate petroleum products or their derivatives.

13 (d) CONSULTATION.—The Secretary of Agriculture  
14 shall consult with the Secretary of the Army with respect  
15 to the Secretary of Agriculture's management of real prop-  
16 erty included in the Midewin National Tallgrass Prairie  
17 subject to any response action or other action at the Arse-  
18 nal being carried out by or under the authority of the Sec-  
19 retary of the Army under any environmental law. The Sec-  
20 retary of Agriculture shall consult with the Secretary of  
21 the Army prior to undertaking any activities on the  
22 Midewin National Tallgrass Prairie that may disturb the  
23 property to ensure that such activities will not exacerbate  
24 contamination problems or interfere with performance by  
25 the Secretary of the Army of response actions at the prop-

erty. 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, ex-

1       cept that the Bankhead-Jones Farm Tenant Act of  
2       1937 (7 U.S.C. 1010–1012) shall not apply to the  
3       MNP.

4           (2) INITIAL MANAGEMENT ACTIVITIES.—In  
5       order to expedite the administration and public use  
6       of the Midewin National Tallgrass Prairie, the Sec-  
7       retary of Agriculture may conduct management ac-  
8       tivities at the MNP to effectuate the purposes for  
9       which the MNP is established, as set forth in sub-  
10      section (c), in advance of the development of a land  
11      and resource management plan for the MNP.

12          (3) LAND AND RESOURCE MANAGEMENT  
13      PLAN.—In developing a land and resource manage-  
14      ment plan for the Midewin National Tallgrass Prai-  
15      rie, the Secretary of Agriculture shall consult with  
16      the Illinois Department of Conservation and local  
17      governments adjacent to the MNP and provide an  
18      opportunity for public comment. Any parcel trans-  
19      ferred to the Secretary of Agriculture under this Act  
20      after the development of a land and resource man-  
21      agement plan for the MNP may be managed in ac-  
22      cordance with such plan without need for an amend-  
23      ment to the plan.

24          (c) PURPOSES OF THE MIDEWIN NATIONAL  
25      TALLGRASS PRAIRIE.—The Midewin National Tallgrass

1 Prairie is established to be managed for National Forest  
2 System purposes, including the following:

3 (1) To manage the land and water resources of  
4 the MNP in a manner that will conserve and en-  
5 hance the native populations and habitats of fish,  
6 wildlife, and plants.

7 (2) To provide opportunities for scientific, envi-  
8 ronmental, and land use education and research.

9 (3) To allow the continuation of agricultural  
10 uses of lands within the MNP consistent with sec-  
11 tion 105(b).

12 (4) To provide a variety of recreation opportu-  
13 nities that are not inconsistent with the preceding  
14 purposes.

15 (d) OTHER LAND ACQUISITION FOR MNP.—

16 (1) LAND ACQUISITION FUNDS.—Notwithstand-  
17 ing section 7 of the Land and Water Conservation  
18 Fund Act of 1965 (16 U.S.C. 4601–9), monies ap-  
19 propriated from the Land and Water Conservation  
20 Fund established under section 2 of such Act (16  
21 U.S.C. 4601–5) shall be available for acquisition of  
22 lands and interests in land for inclusion in the  
23 Midewin National Tallgrass Prairie.



1 whether Federal, State, or local, shall be permitted  
2 through or across any portion of the Midewin National  
3 Tallgrass Prairie. Nothing herein shall preclude construc-  
4 tion and maintenance of roads for use within the MNP,  
5 or the granting of authorizations for utility rights-of-way  
6 under applicable Federal law, or preclude such access as  
7 is necessary. Nothing herein shall preclude necessary ac-  
8 cess by the Secretary of the Army for purposes of restora-  
9 tion and cleanup as provided in this Act.

10 (b) AGRICULTURAL LEASES AND SPECIAL USE AU-  
11 THORIZATIONS.—Within the Midewin National Tallgrass  
12 Prairie, use of the lands for agricultural purposes shall  
13 be permitted subject to the following terms and conditions:

14 (1) If at the time of transfer of jurisdiction  
15 under section 102 there exists any lease issued by  
16 the Department of the Army, Department of De-  
17 fense, or any other agency thereof, for agricultural  
18 purposes upon the parcel transferred, the Secretary  
19 of Agriculture, upon transfer of jurisdiction, shall  
20 convert the lease to a special use authorization, the  
21 terms of which shall be identical in substance to the  
22 lease that existed prior to the transfer, including the  
23 expiration date and any payments owed the United  
24 States.

1           (2) The Secretary of Agriculture may issue spe-  
2           cial use authorizations to persons for use of the  
3           Midewin National Tallgrass Prairie for agricultural  
4           purposes. Special use authorizations issued pursuant  
5           to this paragraph shall include terms and conditions  
6           as the Secretary of Agriculture may deem appro-  
7           priate.

8           (3) No agricultural special use authorization  
9           shall be issued for agricultural purposes which has  
10          a term extending beyond the date twenty years from  
11          the date of enactment of this Act, except that noth-  
12          ing in this Act shall preclude the Secretary of Agri-  
13          culture from issuing agricultural special use author-  
14          izations or grazing permits which are effective after  
15          twenty years from the date of enactment of this Act  
16          for purposes primarily related to erosion control,  
17          provision for food and habitat for fish and wildlife,  
18          or other resource management activities consistent  
19          with the purposes of the Midewin National Tallgrass  
20          Prairie.

21          (c) TREATMENT OF RENTAL FEES.—Monies received  
22          pursuant to subsection (b) shall be subject to distribution  
23          to the State of Illinois and affected counties pursuant to  
24          the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C.  
25          500). All such monies not distributed pursuant to such

1 Acts shall be covered into the Treasury and shall con-  
2 stitute a special fund, which shall be available to the Sec-  
3 retary of Agriculture, in such amounts as are provided in  
4 advance in appropriation Acts, to cover the cost to the  
5 United States of such prairie-improvement work as the  
6 Secretary may direct. Any portion of any deposit made  
7 to the fund which the Secretary determines to be in excess  
8 of the cost of doing such work shall be transferred, upon  
9 such determination, to miscellaneous receipts, Forest  
10 Service Fund, as a National Forest receipt of the fiscal  
11 year in which such transfer is made.

12 (d) USER FEES.—The Secretary of Agriculture is au-  
13 thorized to charge reasonable fees for the admission, occu-  
14 pancy, and use of the Midewin National Tallgrass Prairie  
15 and may prescribe a fee schedule providing for reduced  
16 or a waiver of fees for persons or groups engaged in au-  
17 thorized activities including those providing volunteer  
18 services, research, or education. The Secretary shall per-  
19 mit admission, occupancy, and use at no additional charge  
20 for persons possessing a valid Golden Eagle Passport or  
21 Golden Age Passport.

22 (e) SALVAGE OF IMPROVEMENTS.—The Secretary of  
23 Agriculture may sell for salvage value any facilities and  
24 improvements which have been transferred to the Sec-  
25 retary pursuant to this Act.

1 (f) TREATMENT OF USER FEES AND SALVAGE RE-  
2 CEIPTS.—Monies collected pursuant to subsections (d)  
3 and (e) shall be covered into the Treasury and constitute  
4 a special fund to be known as the Midewin National  
5 Tallgrass Prairie Restoration Fund. Deposits in the  
6 Midewin National Tallgrass Prairie Restoration Fund  
7 shall be available to the Secretary of Agriculture, in such  
8 amounts as are provided in advance in appropriation Acts,  
9 for restoration and administration of the Midewin Na-  
10 tional Tallgrass Prairie, including construction of a visitor  
11 and education center, restoration of ecosystems, construc-  
12 tion of recreational facilities (such as trails), construction  
13 of administrative offices, and operation and maintenance  
14 of the MNP.

15 **SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSE-**  
16 **NAL PARCELS INTENDED FOR MNP.**

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

20 (1) Manufacturing Area—Study Area 1—  
21 Southern Ash Pile, Study Area 2—Explosive Burn-  
22 ing Ground, Study Area 3—Flashing Grounds,  
23 Study Area 4—Lead Azide Area, Study Area 10—  
24 Toluene Tank Farms, Study Area 11—Landfill,  
25 Study Area 12—Sellite Manufacturing Area, Study

1 Area 14—Former Pond Area, Study Area 15—Sew-  
2 age Treatment Plant.

3 (2) Load Assemble Packing Area—Group 61:  
4 Study Area L1, Explosive Burning Ground: Study  
5 Area L2, Demolition Area: Study Area L3, Landfill  
6 Area: Study Area L4, Salvage Yard: Study Area L5,  
7 Group 1: Study Area L7, Group 2: Study Area L8,  
8 Group 3: Study Area L9, Group 3A: Study Area  
9 L10, Group 4: Study Area L14, Group 5: Study  
10 Area L15, Group 8: Study Area L18, Group 9:  
11 Study Area L19, Group 27: Study Area L23, Group  
12 62: Study Area L25, PVC Area: Study Area L33,  
13 including all associated inventoried buildings and  
14 structures as identified in the Joliet Army Ammuni-  
15 tion Plant Plantwide Building and Structures Re-  
16 port and the contaminate study sites for both the  
17 Manufacturing and Load Assembly and Packing  
18 sides of the Joliet Arsenal as delineated in the  
19 Dames and Moore Final Report, Proposed Future  
20 Land Use Map, dated May 30, 1995.

21 (b) EXCEPTION.—The parcels described in subsection  
22 (a) shall not include the property at the Arsenal des-  
23 igned for disposal under title II.

24 (c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and  
25

1 installation of any remedial design approved by the Ad-  
2 ministrator and required for any lands described in sub-  
3 section (a), the Administrator shall provide to the Sec-  
4 retary of Agriculture all existing information regarding  
5 the implementation of such remedy, including information  
6 regarding its effectiveness. Within 3 months after the Ad-  
7 ministrator provides such information to the Secretary of  
8 Agriculture, the Secretary of the Army shall offer the Sec-  
9 retary of Agriculture the option of accepting a transfer  
10 of the areas described in subsection (a), without reim-  
11 bursement, to be added to the Midewin National Tallgrass  
12 Prairie and subject to the terms and conditions, including  
13 the limitations on liability, contained in this Act. In the  
14 event the Secretary of Agriculture declines such offer, the  
15 property may be disposed of as the Army would ordinarily  
16 dispose of such property under applicable provisions of  
17 law. Any sale or other transfer of property conducted pur-  
18 suant to this subsection may be accomplished on a parcel-  
19 by-parcel basis.

1 **TITLE II—OTHER REAL PROP-**  
2 **ERTY DISPOSALS INVOLVING**  
3 **JOLIET ARMY AMMUNITION**  
4 **PLANT**

5 **SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSE-**  
6 **NAL FOR A NATIONAL CEMETERY.**

7 (a) TRANSFER REQUIRED.—Subject to section 301,  
8 the Secretary of the Army shall transfer, without reim-  
9 bursement, to the Secretary of Veterans Affairs the parcel  
10 of real property at the Arsenal described in subsection (b)  
11 for use as a national cemetery.

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

20 (c) SECURITY MEASURES.—The Secretary of Veter-  
21 ans Affairs shall provide and maintain physical and other  
22 security measures on the real property transferred under  
23 subsection (a). Such security measures (which may include  
24 fences and natural barriers) shall include measures to pre-  
25 vent members of the public from gaining unauthorized ac-

1 cess to the portion of the Arsenal that is under the admin-  
2 istrative jurisdiction of the Secretary of Veterans Affairs  
3 and that may endanger health or safety.

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

8 **SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSE-**  
9 **NAL FOR A COUNTY LANDFILL.**

10 (a) TRANSFER REQUIRED.—Subject to section 301,  
11 the Secretary of the Army shall transfer, without com-  
12 pensation, to Will County, Illinois, all right, title, and in-  
13 terest of the United States in and to the parcel of real  
14 property at the Arsenal described in subsection (b), which  
15 shall be operated as a landfill by the County.

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

23 (c) CONDITION ON CONVEYANCE.—The conveyance  
24 shall be subject to the condition that the Army (or its  
25 agents or assigns) may use the landfill established on the

1 real property transferred under subsection (a) for the dis-  
2 posal of construction debris, refuse, and other  
3 nonhazardous materials from the restoration and cleanup  
4 of the Arsenal property as provided for in this Act. Such  
5 use shall be at no cost to the Federal Government.

6 (d) REVERSIONARY INTEREST.—During the 5-year  
7 period beginning on the date the Secretary of the Army  
8 makes the conveyance under subsection (a), if the Sec-  
9 retary of the Army determines that the conveyed real  
10 property is not being operated as a landfill or that Will  
11 County, Illinois, is in violation of the condition specified  
12 in subsection (c), then, at the option of the United States,  
13 all right, title, and interest in and to the property, includ-  
14 ing improvements thereon, shall be subject to reversion to  
15 the United States. In the event the United States exercises  
16 its option to cause the property to revert, the United  
17 States shall have the right of immediate entry onto the  
18 property. Any determination of the Secretary of the Army  
19 under this subsection shall be made on the record after  
20 an opportunity for a hearing.

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

24 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
25 retary of the Army may require such additional terms and

1 conditions in connection with the conveyance under this  
2 section as the Secretary of the Army considers appropriate  
3 to protect the interests of the United States.

4 **SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSE-**  
5 **NAL FOR ECONOMIC DEVELOPMENT.**

6 (a) TRANSFER REQUIRED.—Subject to section 301,  
7 the Secretary of the Army shall transfer to the State of  
8 Illinois, all right, title, and interest of the United States  
9 in and to the parcel of real property at the Arsenal de-  
10 scribed in subsection (b), which shall be used for economic  
11 redevelopment to replace all or a part of the economic ac-  
12 tivity lost at the Arsenal.

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

16 (1) approximately 1,900 acres, the approximate  
17 legal description of which includes part of section  
18 30, Jackson Township, Township 34 North, Range  
19 10 East, and sections or parts of sections 24, 25,  
20 26, 35, and 36, Township 34 North, Range 9 East,  
21 in Channahon Township, an area of 9.77 acres  
22 around the Des Plaines River Pump Station located  
23 in the southeast quarter of section 15, Township 34  
24 North, Range 9 East of the Third Principal Merid-  
25 ian, in Channahon Township, and an area of 511'

1 x 596' around the Kankakee River Pump Station in  
2 the Northwest Quarter of section 5, Township 33  
3 North, Range 9 East, east of the Third Principal  
4 Meridian in Wilmington Township, containing 6.99  
5 acres, located along the easterly side of the Kan-  
6 kakee Cut-Off in Will County, Illinois, as depicted in  
7 the Arsenal Re-Use Concept, and the connecting pip-  
8 ing to the northern industrial site, as described by  
9 the United States Army Report of Availability, dated  
10 13 December 1993; and

11 (2) approximately 1,100 acres, the approximate  
12 legal description of which includes part of sections  
13 16, 17, 18 Florence Township, Township 33 North,  
14 Range 10 East, Will County, Illinois, as depicted in  
15 the Arsenal Land Use Concept.

16 (c) CONSIDERATION.—The conveyance under sub-  
17 section (a) shall be made without consideration. However,  
18 the conveyance shall be subject to the condition that, if  
19 the State of Illinois reconveys all or any part of the con-  
20 veyed property to a non-Federal entity, the State shall pay  
21 to the United States an amount equal to the fair market  
22 value of the reconveyed property. The Secretary of the  
23 Army shall determine the fair market value of any prop-  
24 erty reconveyed by the State as of the time of the  
25 reconveyance, excluding the value of improvements made

1 to the property by the State. The Secretary may treat a  
2 lease of the property as a reconveyance if the Secretary  
3 determines that the lease was used in an effort to avoid  
4 operation of this subsection. Amounts received under this  
5 subsection shall be deposited in the general fund of the  
6 Treasury for purposes of deficit reduction.

7 (d) OTHER CONDITIONS OF CONVEYANCE.—

8 (1) REDEVELOPMENT AUTHORITY.—The con-  
9 veyance under subsection (a) shall be subject to the  
10 further condition that the Governor of the State of  
11 Illinois establish a redevelopment authority to be re-  
12 sponsible for overseeing the economic redevelopment  
13 of the conveyed land.

14 (2) TIME FOR ESTABLISHMENT.—To satisfy the  
15 condition specified in paragraph (1), the redevelop-  
16 ment authority shall be established within one year  
17 after the date of the enactment of this Act.

18 (e) REVERSIONARY INTEREST.—During the 20-year  
19 period beginning on the date the Secretary of the Army  
20 makes the conveyance under subsection (a), if the Sec-  
21 retary determines that a condition specified in subsection  
22 (c) or (d) is not being satisfied or that the conveyed land  
23 is not being used for economic development purposes,  
24 then, at the option of the United States, all right, title,  
25 and interest in and to the property, including improve-

1 ments thereon, shall be subject to reversion to the United  
2 States. In the event the United States exercises its option  
3 to cause the property to revert, the United States shall  
4 have the right of immediate entry onto the property. Any  
5 determination of the Secretary under this subsection shall  
6 be made on the record after an opportunity for a hearing.

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

10 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
11 Secretary of the Army may require such additional terms  
12 and conditions in connection with the conveyance under  
13 this section as the Secretary considers appropriate to pro-  
14 tect the interests of the United States.

## 15 **TITLE III—MISCELLANEOUS** 16 **PROVISIONS**

### 17 **SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.**

18 (a) IN GENERAL.—Nothing in this Act shall be con-  
19 strued to restrict or lessen the degree of cleanup at the  
20 Arsenal required to be carried out under provisions of any  
21 environmental law.

22 (b) RESPONSE ACTION.—The establishment of the  
23 Midwin National Tallgrass Prairie under title I and the  
24 additional real property disposals required under title II  
25 shall not restrict or lessen in any way any response action

1 or degree of cleanup under CERCLA or other environ-  
2 mental law, or any response action required under any en-  
3 vironmental law to remediate petroleum products or their  
4 derivatives (including motor oil and aviation fuel), re-  
5 quired to be carried out under the authority of the Sec-  
6 retary of the Army at the Arsenal and surrounding areas,  
7 except to the extent otherwise allowable under such laws.

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

Passed the House of Representatives July 31, 1995.

Attest:

ROBIN H. CARLE,

*Clerk.*

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