

AUTHORIZING THE SECRETARY OF AGRICULTURE TO TERMINATE CERTAIN EASEMENTS HELD BY THE SECRETARY ON LAND OWNED BY THE VILLAGE OF CASEYVILLE, ILLINOIS, AND TO TERMINATE ASSOCIATED CONTRACTUAL ARRANGEMENTS WITH THE VILLAGE

SEPTEMBER 10, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PETERSON, from the Committee on Agriculture,
submitted the following

R E P O R T

[To accompany H.R. 511]

[Including cost estimate of the Congressional Budget Office]

The Committee on Agriculture, to whom was referred the bill (H.R. 511) to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

BRIEF EXPLANATION

H.R. 511 authorizes the Secretary of Agriculture to terminate an easement held in the Village of Caseyville, Illinois. The Secretary may determine appropriate compensation in exchange for termination of this easement to be paid by the Village of Caseyville.

PURPOSE AND NEED

H.R. 511 was introduced by Congressman Jerry Costello of Illinois. This bill would provide a limited authorization regarding the administration of the Village of Caseyville, Illinois floodplain easement.

The Village and USDA executed a Warranty Easement Deed in 1999 under the “Emergency Watershed Protection Program.” However, differences in approach on how best to protect and restore the floodplain led Caseyville to seek termination of the easement, including paying back the entire easement purchase price of \$60,000 to USDA.

H.R. 511 would allow the Natural Resource Conservation Service the flexibility to release the terms of the easement so that the village can use the land for flood prevention.

This proposal had the support of then-Secretary Johanns under the Bush Administration and its support is continued by Secretary Vilsack and the Obama Administration.

SECTION-BY-SECTION

Section 1. Termination of NRCS Easements and Associated Contractual Arrangements, Village of Caseyville, Illinois

Authorizes the Secretary of Agriculture to terminate any easement held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

COMMITTEE CONSIDERATION

The Committee on Agriculture met, pursuant to notice, with a quorum present, on July 29, 2009, to consider H.R. 511 and other pending legislation.

Members were recognized and each made a statement in support of the legislation.

There being no amendments, Mr. Lucas moved that H.R. 511 be reported favorably to the House with the recommendation that it do pass.

By a voice vote, and in the presence of a quorum, H.R. 511 was ordered favorably reported to the House.

Chairman Peterson then advised Members that pursuant to the Rules of the House of Representatives that Members have 2 calendar days to file such views with the Committee. No Members came forth with intent to file additional views.

Without objection, staff was given permission to make any necessary clerical, technical or conforming changes to reflect the intent of the Committee.

Chairman Peterson thanked all the Members and adjourned the meeting subject to the call of the chair.

REPORTING THE BILL—ROLLCALL VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 511 was reported by voice vote with a majority quorum present. There was no request for a recorded vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Agriculture's oversight findings and recommendations are reflected in the body of this report.

BUDGET ACT COMPLIANCE (SECTIONS 308, 402, AND 423)

The provisions of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 3(c)(3) of

rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 14, 2009.

Hon. COLLIN C. PETERSON,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 511, a bill to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the village of Caseyville, Illinois, and to terminate associated contractual arrangements with the village.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

H.R. 511—A bill to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the village of Caseyville, Illinois, and to terminate associated contractual arrangements with the village

H.R. 511 would authorize the Secretary of Agriculture to terminate any easement (and associated agreements) on land owned by Caseyville, Illinois. The bill would allow the Secretary to determine any appropriate compensation to be received from the village. Based on information provided by the Natural Resources Conservation Service (NRCS) at the U.S. Department of Agriculture, CBO estimates that enacting H.R. 511 would have no significant effect on direct spending and no effect on discretionary spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Under H.R. 511, the NRCS would be able to terminate a floodplain easement on 44 acres of land owned by Caseyville. In exchange for the termination, Caseyville would repay the NRCS the \$60,000 that the village received as compensation (for restrictions on use of the land) under the original easement agreement in 1999. That payment would increase offsetting receipts (a credit against direct spending), probably in fiscal year 2010. The receipts would be credited to the general fund of the U.S. Treasury.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objections of this legislation are to authorize the Secretary of

Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the Constitutional authority for this legislation in Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress in the Constitution of the United States or in any department or officer thereof.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee report incorporates the cost estimate prepared by the Director of the Congressional Budget Office pursuant to sections 402 and 423 of the Congressional Budget Act of 1974.

ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

FEDERAL MANDATES STATEMENT

The Committee adopted as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

EARMARK STATEMENT REQUIRED BY CLAUSE 9 OF RULE XXI OF THE
RULES OF HOUSE OF REPRESENTATIVES

H.R. 511 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the rules of the House Representatives.