

TO DIRECT THE SECRETARY OF AGRICULTURE TO CONVEY TO THE CITY  
OF SISTERS, OREGON, A CERTAIN PARCEL OF LAND FOR USE IN CON-  
NECTION WITH A SEWAGE TREATMENT FACILITY

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NOVEMBER 5, 1999.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany S. 416]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 416) to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility, 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. FINDINGS.**

Congress finds that—

- (1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;
- (2) the lack of a sewer system also threatens groundwater and surface water resources in the area;
- (3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;
- (4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and
- (5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

**SEC. 2. CONVEYANCE.**

(a) **IN GENERAL.**—As soon as practicable and upon completion of any documents or analysis required by any environmental law, but not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, (hereinafter referred to as the “city”) an amount of land that

is not more than is reasonably necessary for a sewage treatment facility and for the disposal of treated effluent consistent with subsection (c).

(b) LAND DESCRIPTION.—The amount of land conveyed under subsection (a) shall be 160 acres or 240 acres from within—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) CONDITION.—

(1) IN GENERAL.—The conveyance under subsection (a) shall be made on the condition that the city—

(A) shall conduct a public process before the final determination is made regarding land use for the disposition of treated effluent,

(B) except as provided by paragraph (2), shall be responsible for system development charges, mainline construction costs, and equivalent dwelling unit monthly service fees as set forth in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999; and

(C) shall pay the cost of preparation of any documents required by any environmental law in connection with the conveyance.

(2) ADJUSTMENT IN FEES.—

(A) VALUE HIGHER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more higher than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the city shall be responsible for additional charges, costs, fees, or other compensation so that the total amount of charges, costs, and fees for which the city is responsible under paragraph (1)(B) plus the value of the amount of charges, costs, fees, or other compensation due under this subparagraph is equal to such appraised value. The Secretary and the city shall agree upon the form of additional charges, costs, fees, or other compensation due under this subparagraph.

(B) VALUE LOWER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more lower than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the amount of equivalent dwelling unit monthly service fees for which the city shall be responsible under paragraph (1)(B) shall be reduced so that the total amount of charges, costs, and fees for which the city is responsible under that paragraph is equal to such appraised value.

(d) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest, of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest.

#### PURPOSE OF THE BILL

The purpose of S. 416 is to direct the Secretary of Agriculture to convey to the City of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

#### BACKGROUND AND NEED FOR LEGISLATION

Sisters is a small town located in central Oregon at the base of the Cascade Mountains. It is literally surrounded by land managed by the U.S. Forest Service. The town has serious concerns about a

possible outbreak of infectious diseases and groundwater contamination from leaking and aging septic systems, and there is no non-federal parcel of land large enough (and with the proper soil conditions) for the development of a sewage treatment facility. The U.S. Forest Service must currently operate, maintain and replace 11 separate septic systems to serve existing Forest Service facilities in the Sisters area. The Forest Service also administers 77 acres of land within the city limits that would increase in value as a result of the construction of a sewer system. Legislation is required to acquire National Forest lands for Sisters to adequately address its wastewater disposal needs and to prevent potential health threats.

#### COMMITTEE ACTION

S. 416 was introduced on February 11, 1999, by Senator Gordon Smith (R-OR). The Senate passed S. 416 on July 2, 1999, by unanimous consent. In the House of Representatives, the bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Forests and Forest Health. The Subcommittee held a hearing on the bill on August 3, 1999. Congressman Greg Walden (R-OR), Mr. Steven Wilson, the Mayor of the City of Sisters, and a representative of the U.S. Forest Service testified on S. 416.

On October 20, 1999, the Committee on Resources met to consider S. 416. The Subcommittee on Forests and Forest Health was discharged by unanimous consent from further consideration of the bill. Congressman George Miller (D-CA) offered an amendment that addressed the equity concerns raised by the Forest Service. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit au-

thority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of S. 416 would reduce offsetting receipts by about \$675,000 in fiscal year 2000.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 4, 1999.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 416, an act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria Heid Hall (for federal costs), and Marjorie Miller (for the impact on state and local governments).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*S. 416—An act to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility*

CBO estimates that implementing S. 416 would reduce offsetting receipts by about \$675,000 in fiscal year 2000. Because the bill would affect offsetting receipts (a credit against direct spending), pay-as-you-go procedures would apply. Discretionary spending by the Forest Service could also increase by a small amount over the next five years. S. 416 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

S. 416 would direct the Forest Service to convey to the city of Sisters, Oregon, up to 240 acres of federal land for the city to construct a sewage treatment facility and dispose of treated effluent. The amount of acreage to be conveyed would be determined after the city completes a public review process.

Based on information from the Forest Service, we expect that the agency will sell the 240 acres to the city of Sisters and that the city will pay the Forest Service about \$675,000 for the land under current law. Under S. 416, we also expect that the Forest Service will convey the land to the city, but the legislation would allow the city

to pay for the land by waiving utility construction costs and monthly service fees to the Forest Service in lieu of a cash payment for the land. Therefore, enacting this legislation would reduce offsetting receipts to the federal government by about \$675,000 in fiscal year 2000. (The reduction in Forest Service payments to the city for utility services would reduce the agency's discretionary spending, as discussed below.)

The legislation would direct the Forest Service to acquire an equivalent amount of land in the vicinity of Deschutes National Forest in Oregon, subject to appropriation of the necessary amounts. We estimate that acquiring 240 acres would cost \$675,000 over the 2002–2004 period. Taken together with the reduced discretionary spending for utility services, we estimate that implementing S. 416 would result in a net increase in discretionary spending of less than \$500,000 over the next five years. (Discretionary savings from lower utility costs for the Forest Service would not fully offset the cost of the new land purchase for more than 10 years.)

S. 416 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The city of Sisters, Oregon, probably would incur some costs to acquire the land, but such costs would be voluntary. The legislation would impose no costs on other state, local, or tribal governments.

On May 26, 1999, CBO prepared a cost estimate for S. 416 as ordered reported by the Senate Committee on Energy and Natural Resources on May 19, 1999. The legislation was amended by the House Committee on Resources, and the cost estimates differ accordingly.

The CBO staff contacts are Victoria Heid Hall (for federal costs), and Majorie Miller (for the impact on state and local governments). The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

