

**Calendar No. 925**106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2111****[Report No. 106-476]**

To direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation.

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 28, 2000

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation.

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. SALE OF LAND TO KATY 101.3 FM, A CALI-**  
 2 **FORNIA CORPORATION.**

3 (a) **IN GENERAL.**—Subject to valid existing rights  
 4 and settlement of claims as provided in this section, the  
 5 Secretary of Agriculture (referred to in this section as the  
 6 “Secretary”) shall convey to KATY 101.3 FM, a Cali-  
 7 fornia corporation (referred to in this section as  
 8 “KATY”), for fair market value, all right, title, and inter-  
 9 est of the United States in and to the land described in  
 10 subsection (b).

11 (b) **LAND DESCRIPTION.**—

12 (1) **IN GENERAL.**—The land referred to in sub-  
 13 section (a) is the approximately 1.06 acres of land  
 14 in the San Bernardino National Forest, Riverside  
 15 County, California, generally located in the north  
 16 half of section 23, Township 5 South, Range 2 East,  
 17 San Bernardino Meridian, as generally depicted as  
 18 Exhibit A-2 in an appraisal report of the land dated  
 19 August 26, 1999.

20 (2) **LEGAL DESCRIPTION.**—The Secretary and  
 21 KATY shall agree on the legal description of the  
 22 land.

23 (c) **CONSIDERATION.**—

24 (1) **IN GENERAL.**—Consideration for the con-  
 25 veyance under subsection (a) shall be equal to the  
 26 appraised fair market value of the property.

1           (2) APPRAISAL STANDARDS.—An appraisal to  
2           determine fair market value under paragraph (1)  
3           shall be—

4                   (A) prepared in conformity with the Uni-  
5                   form Appraisal Standards for Federal Land Ac-  
6                   quisitions; and

7                   (B) approved by the Secretary.

8           (d) COSTS.—Any costs associated with the creation  
9           of a subdivided parcel, recordation of a survey, and zoning  
10           and planning approval and similar expenses shall be paid  
11           by KATY.

12           (e) ACCESS.—Notwithstanding section 1323(a) of the  
13           Alaska National Interest Lands Conservation Act (16  
14           U.S.C. 3210(a)) or any other law, the Secretary shall not  
15           be required to provide access over the National Forest  
16           System land to the land conveyed under subsection (a).

17           (f) RELEASE.—On payment by KATY to the Sec-  
18           retary of \$16,600, the Secretary shall release KATY from  
19           all claims of the United States arising from the occupancy  
20           and use of San Bernardino National Forest land by KATY  
21           for communication site purposes.

22           (g) USE OF FUNDS.—All funds received by the Sec-  
23           retary under this section—

1           (1) shall be deposited in the fund established  
2           under Public Law 90–171 (commonly known as the  
3           “Sisk Act”) (16 U.S.C. 484a); and

4           (2) shall remain available until expended for the  
5           acquisition of land, water, and interests in land or  
6           water for the San Bernardino National Forest, Cali-  
7           fornia.

8   **SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN**  
9                           **BERNARDINO NATIONAL FOREST, CALI-**  
10                           **FORNIA.**

11           (a) *CONVEYANCE REQUIRED.*—*Subject to valid exist-*  
12           *ing rights and settlement of claims as provided in this sec-*  
13           *tion, the Secretary of Agriculture shall convey to KATY*  
14           *101.3 FM (in this section referred to as “KATY”) all right,*  
15           *title and interest of the United States in and to a parcel*  
16           *of real property consisting of approximately 1.06 acres*  
17           *within the San Bernardino National Forest in Riverside*  
18           *County, California, generally located in the north 1/2 of sec-*  
19           *tion 23, township 5 south, range 2 east, San Bernardino*  
20           *meridian.*

21           (b) *LEGAL DESCRIPTION.*—*The Secretary and KATY*  
22           *shall, by mutual agreement, prepare the legal description*  
23           *of the parcel of real property to be conveyed under sub-*  
24           *section (a), which is generally depicted as Exhibit A–2 in*

1 *an appraisal report of the subject parcel dated August 26,*  
2 *1999, by Paul H. Meiling.*

3 (c) *CONSIDERATION.*—*Consideration for the convey-*  
4 *ance under subsection (a) shall be equal to the appraised*  
5 *fair market value of the parcel of real property to be con-*  
6 *veyed. Any appraisal to determine the fair market value*  
7 *of the parcel shall be prepared in conformity with the Uni-*  
8 *form Appraisal Standards for Federal Land Acquisition*  
9 *and approved by the Secretary.*

10 (d) *SETTLEMENT.*—*In addition to the consideration*  
11 *referred to in subsection (c), upon the receipt of \$16,600*  
12 *paid by KATY to the Secretary, the Secretary shall release*  
13 *KATY from any and all claims of the United States arising*  
14 *from the occupancy and use of the San Bernardino Na-*  
15 *tional Forest by KATY for communication site purposes.*

16 (e) *ACCESS REQUIREMENTS.*—*Notwithstanding sec-*  
17 *tion 1323(a) of the Alaska National Interest Lands Con-*  
18 *servation Act (16 U.S.C. 3210(a)) or any other law, the*  
19 *Secretary is not required to provide access over National*  
20 *Forest System lands to the parcel of real property to be*  
21 *conveyed under subsection (a).*

22 (f) *ADMINISTRATIVE COSTS.*—*Any costs associated*  
23 *with the creation of a subdivided parcel, recordation of a*  
24 *survey, zoning, and planning approval, and similar ex-*

1 *penses with respect to the conveyance under this section,*  
 2 *shall be borne by KATY.*

3       (g) *ASSUMPTION OF LIABILITY.*—*By acceptance of the*  
 4 *conveyance of the parcel of real property referred to in sub-*  
 5 *section (a), KATY, and its successors and assigns will in-*  
 6 *demnify and hold harmless the United States for any and*  
 7 *all liability to General Telephone and Electronics Corpora-*  
 8 *tion (also known as “GTE”) KATY, and any third party*  
 9 *that is associated with the parcel, including liability for*  
 10 *any buildings or personal property on the parcel belonging*  
 11 *to GTE and any other third parties.*

12       (h) *TREATMENT OF RECEIPTS.*—*All funds received*  
 13 *pursuant to this section shall be deposited in the fund estab-*  
 14 *lished under Public Law 90–171 (16 U.S.C. 484a; com-*  
 15 *monly known as the Sisk Act), and the funds shall remain*  
 16 *available to the Secretary, until expended, for the acquisi-*  
 17 *tion of lands, waters, and interests in land for the inclusion*  
 18 *in the San Bernardino National Forest.*

19       (i) *RECEIPTS ACT AMENDMENT.*—*The Act of June 15,*  
 20 *1938 (Chapter 438:52 Stat. 699), as amended by the Acts*  
 21 *of May 26, 1944 (58 Stat. 227), is further amended—*

22               (1) *by striking the comma after the words “Sec-*  
 23 *retary of Agriculture”;*

24               (2) *by striking the words “with the approval of*  
 25 *the National Forest Reservation Commission estab-*

1 *lished by section 4 of the Act of March 1, 1911 (16*  
2 *U.S.C. 513),”;*

3 *(3) by inserting the words “, real property or in-*  
4 *terests in lands,” after the word “lands” the first time*  
5 *it is used;*

6 *(4) by striking “San Bernardino and Cleveland”*  
7 *and inserting “counties of San Bernardino, Cleveland*  
8 *and Los Angeles”;*

9 *(5) by striking “county of Riverside” each place*  
10 *it appears and inserting “counties of Riverside and*  
11 *San Bernardino”;*

12 *(6) by striking “as to minimize soil erosion and*  
13 *flood damage” and inserting “for National Forest*  
14 *System purposes”; and*

15 *(7) after the “Provided further, That”, by strik-*  
16 *ing the remainder of the sentence to the end of the*  
17 *paragraph, and inserting “twelve and one-half per-*  
18 *cent of the monies otherwise payable to the State of*  
19 *California for the benefit of San Bernardino County*  
20 *under the aforementioned Act of March 1, 1911 (16*  
21 *U.S.C. 500) shall be available to be appropriated for*  
22 *expenditure in furtherance of this Act.*

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