

LAND CONVEYANCE SAN BERNARDINO NATIONAL FOREST,
CALIFORNIA

—————
JULY 17, 2000.—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 H.R. 3657]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3657) to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, 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. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) **CONVEYANCE REQUIRED.**—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as “KATY”) all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) **LEGAL DESCRIPTION.**—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A-2 in an appraisal report of the subject property dated August 26, 1999, by Paul H. Meiling.

(c) **CONSIDERATION.**—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and approved by the Secretary.

(d) **SETTLEMENT.**—In addition to the consideration referred to in subsection (c), upon the receipt of \$16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy

and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) INDEMNIFICATION.—By acceptance of the conveyance under this Act, KATY agrees—

(1) to indemnify for any buildings or personal property belonging to GTE (also known as General Telephone and Electronics Corporation) and any other third party which are located on the parcel referred to in subsection (a) as of the date the acceptance of the conveyance by KATY; and

(2) to indemnify and hold harmless the United States for liability to GTE and any third party for any buildings or personal property located on the parcel referred to in subsection (a).

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

PURPOSE OF THE BILL

The purpose of H.R. 3657 is to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

KATY 101.3 is a small radio station that serves a number of people living in the mountainous region of Idyllwild, California. In 1995, KATY subleased a small wooden communications tower that had been operated by GTE for 30 years under a Forest Service special use permit in the San Bernardino National Forest. The Forest Service claimed this was in violation of GTE's special use permit and asked KATY to vacate the site.

In 1996, the Omnibus Parks and Public Lands Management Act included a provision requiring the Secretary of Agriculture to consider whether maintaining the KATY site was in the public interest and to report his findings to Congress. This report was never submitted because the draft suggested that KATY move to another site which was in violation of several Federal Communications Commission regulations.

Finally, the Forest Service approached KATY about the prospect of purchasing the land. KATY agreed to pay the Forest Service fair market value for 1.06 acres of federal land located in the San Bernardino National Forest. Congressional action is required for land conveyances by the Forest Service.

COMMITTEE ACTION

H.R. 3657 was introduced on February 15, 2000, by Congresswoman Mary Bono (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On May 3, 2000, the Subcommittee held a hearing on the bill. On May 16, 2000, the Subcommittee met to mark up the bill. Congressman Helen Chenoweth-Hage (R-ID) offered an amendment to require KATY to provide the Forest Service with evidence that it has clear title to all structures on the site to

be conveyed (as requested by the Forest Service) and correct a technical error in the description of the radio station. It was adopted by voice vote. The bill was then ordered favorably reported to the Full Committee. On June 7, 2000, the Full Resources Committee met to consider the bill. No further amendments were offered and 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, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill could result in offsetting receipts of approximately \$150,000 which can be spent by the Secretary of Agriculture without further appropriation.

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, June 15, 2000.

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 H.R. 3657, a bill to provide for

the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the state of California, and for other purposes.

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

Sincerely,

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

Enclosure.

H.R. 3657—A bill to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the state of California, and for other purposes

CBO estimates that enacting this legislation would have no significant net affect on the federal budget. Because the bill would affect direct spending, pay-as-you-go procedures would apply, but the impact on direct spending would be negligible. H.R. 3657 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

Since 1995, KATY 101.3 FM (KATY), a small radio station, has operated a communication tower on approximately 1 acre of land that it leases within the San Bernardino National Forest in California. H.R. 3657 would direct the Secretary of Agriculture to convey that property to KATY in return for a payment equal to the land's appraised full market value. The bill also would require the Secretary, upon receipt of a payment by KATY of \$16,600 (the estimated amount of arrears owed by KATY to the federal government), to release KATY from all claims arising from its lease of the site. Under the bill, the Secretary would not be required to provide access to the site. KATY would bear all administrative costs associated with the conveyance and would have to agree to indemnify the United States against future claims regarding the property.

H.R. 3657 would authorize the Secretary to spend, without further appropriation, funds received from KATY to acquire other property for the San Bernardino National Forest. Based on information from the Forest Service, CBO expects that the federal government would receive as much as \$150,000 from KATY in 2001. Those payments would be recorded as offsetting receipts (a credit against direct spending), and would be spent over the 2001–2002 period.

The CBO staff contact is Megan Carroll. This estimate was approved by Robert A. Sunshine, 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.

