

103^D CONGRESS
1ST SESSION

S. 184

AMENDMENT

In the House of Representatives, U. S.,

August 2, 1993.

Resolved, That the bill from the Senate (S. 184) entitled “An Act to provide for the exchange of certain lands within the State of Utah, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Utah Schools and Lands*
3 *Improvement Act of 1993”.*

4 ***SEC. 2. UTAH-NAVAJO LAND EXCHANGE.***

5 *(a) ADDITIONS TO RESERVATION.—For the purpose of*
6 *securing in trust for the Navajo Nation certain lands be-*
7 *longing to the State of Utah, which comprise approximately*
8 *thirty-eight thousand five hundred acres of surface and sub-*
9 *surface estate, and approximately an additional nine thou-*
10 *sand five hundred acres of subsurface estate, as generally*
11 *depicted on the map entitled “Utah-Navajo Land Ex-*
12 *change”, dated May 18, 1992, such lands are hereby de-*
13 *clared to be part of the Navajo Indian Reservation in the*
14 *State of Utah effective upon the completion of conveyance*
15 *from the State of Utah and acceptance of title by the United*
16 *States.*

1 (b) *AUTHORIZATION.*—*The Secretary of the Interior is*
2 *authorized to acquire through exchange those lands and in-*
3 *terests in land described in subsection (a) which are owned*
4 *by the State of Utah, subject to valid existing rights.*

5 **SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN**
6 **RESERVATION.**

7 (a) *ADDITIONS TO RESERVATION.*—*For the purpose of*
8 *securing in trust for the Goshute Indian Tribe certain lands*
9 *belonging to the State of Utah, which comprise approxi-*
10 *mately nine hundred eighty acres of surface and subsurface*
11 *estate, and an additional four hundred and eighty acres*
12 *of subsurface estate, as generally depicted on the map enti-*
13 *tled “Utah-Goshute Land Exchange”, dated May 18, 1992,*
14 *such lands are hereby declared to be part of the Goshute*
15 *Indian Reservation in the State of Utah effective upon the*
16 *completion of conveyance from the State of Utah and ac-*
17 *ceptance of title by the United States.*

18 (b) *AUTHORIZATION.*—*The Secretary of the Interior is*
19 *authorized to acquire through exchange those lands and in-*
20 *terests in land described in subsection (a) which are owned*
21 *by the State of Utah, subject to valid existing rights.*

22 (c) *OTHER LAND.*—(1) *The following tract of Federal*
23 *land located in the State of Nevada, comprising approxi-*
24 *mately five acres more or less, together with all improve-*
25 *ments thereon, is hereby declared to be part of the Goshute*

1 *Indian Reservation, and shall be held in trust for the*
2 *Goshute Indian Tribe: Township 30 North, Range 69 East,*
3 *lots 5, 6, 7, 9, 11, and 14 of section 34.*

4 *(2) No part of the lands referred to in paragraph (1)*
5 *shall be used for gaming or any related purpose.*

6 **SEC. 4. IMPLEMENTATION.**

7 *The exchanges authorized by sections 2 and 3 of this*
8 *Act shall be conducted without cost to the Navajo Nation*
9 *and the Goshute Indian Tribe.*

10 **SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST**
11 **SYSTEM.**

12 *(a) AUTHORIZATION.—The Secretary of Agriculture is*
13 *authorized to accept on behalf of the United States title to*
14 *the school and institutional trust lands by the State of Utah*
15 *within units of the National Forest System, comprising ap-*
16 *proximately seventy-six thousand acres as depicted on a*
17 *map entitled “Utah Forest Land Exchange”, dated May 18,*
18 *1992.*

19 *(b) STATUS.—Any lands acquired by the United States*
20 *pursuant to this section shall become a part of the national*
21 *forest within which such lands are located and shall be sub-*
22 *ject to all the laws and regulations applicable to the Na-*
23 *tional Forest System.*

1 **SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK**
2 **SYSTEM.**

3 (a) *AUTHORIZATION.*—*The Secretary of the Interior is*
4 *hereby authorized to accept on behalf of the United States*
5 *title to all school and institutional trust lands owned by*
6 *the State of Utah located within all units of the National*
7 *Park System, comprising approximately eighty thousand*
8 *acres, located within the State of Utah on the date of enact-*
9 *ment of this Act.*

10 (b) *STATUS.*—(1) *Notwithstanding any other provi-*
11 *sion of law, all lands of the State of Utah within units*
12 *of the National Park System that are conveyed to the*
13 *United States pursuant to this section shall become a part*
14 *of the appropriate unit of the National Park System, and*
15 *shall be subject to all laws and regulations applicable to*
16 *that unit of the National Park System.*

17 (2) *The Secretary of the Interior shall, as a part of*
18 *the exchange process of this Act, compensate the State of*
19 *Utah for the fair market value of five hundred eighty and*
20 *sixty-four one-hundredths acres within Capitol Reef Na-*
21 *tional Park that were conveyed by the State of Utah to the*
22 *United States on July 2, 1971, for which the State has*
23 *never been compensated. The fair market value of these*
24 *lands shall be established pursuant to section 8 of this Act.*

1 **SEC. 7. OFFER TO STATE.**

2 (a) *SPECIFIC OFFERS.*—Within thirty days after en-
3 actment of this Act, the Secretary of the Interior shall trans-
4 mit to the State of Utah a list of lands, or interests in lands,
5 within the State of Utah for transfer to the State of Utah
6 in exchange for the state lands and interests described in
7 sections 2, 3, 5, and 6 of this Act. Such list shall include
8 only the following Federal lands, or interests therein:

9 (1) *Blue Mountain Telecommunications Site, fee*
10 *estate, approximately six hundred and forty acres.*

11 (2) *Beaver Mountain Ski Resort site, fee estate,*
12 *approximately three thousand acres, as generally de-*
13 *scribed on the map entitled “Beaver Mountain Ski Re-*
14 *sort” dated September 16, 1992.*

15 (3) *The unleased coal located in the Winter*
16 *Quarters Tract.*

17 (4) *The unleased coal located in the Crandall*
18 *Canyon Tract.*

19 (5) *All royalties receivable by the United States*
20 *with respect to coal leases in the Quitcupah (Convul-*
21 *sion Canyon) Tract.*

22 (6) *The unleased coal located in the Cottonwood*
23 *Canyon Tract.*

24 (7) *The unleased coal located in the Soldier*
25 *Creek Tract.*

1 (b) *ADDITIONAL OFFERS.*—(1) *In addition to the*
2 *lands and interests specified in subsection (a), the Secretary*
3 *of the Interior shall offer to the State of Utah a portion*
4 *of the royalties receivable by the United States with respect*
5 *to Federal geothermal, oil, gas, or other mineral interests*
6 *in Utah which on December 31, 1992, were under lease and*
7 *covered by an approved permit to drill or plan of develop-*
8 *ment and plan of reclamation, were in production, and*
9 *were not under administrative or judicial appeal.*

10 (2) *No offer under this subsection shall be for royalties*
11 *aggregating more than 50 per centum of the total appraised*
12 *value of the State lands described in sections 2, 3, 5, and*
13 *6.*

14 (3) *The Secretary shall make no offer under this sub-*
15 *section which would enable the State of Utah to receive roy-*
16 *alties under this section exceeding \$25,000,000.*

17 (4) *If the total value of lands and interests therein and*
18 *royalties offered to the State pursuant to subsections (a)*
19 *and (b) is less than the total value of the State lands de-*
20 *scribed in sections 2, 3, 5, and 6, the Secretary shall provide*
21 *the State a list of all public lands in Utah that as of Decem-*
22 *ber 31, 1992, the Secretary, in resource management plans*
23 *prepared pursuant to the Federal Land Policy and Manage-*
24 *ment Act of 1976, had identified as suitable for disposal*
25 *by exchange or otherwise, and shall offer to transfer to the*

1 *State any or all of such lands, as selected by the State, in*
2 *partial exchange for such State lands, to the extent consist-*
3 *ent with other applicable laws and regulations.*

4 **SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.**

5 (a) *EQUAL VALUE.*—*All exchanges authorized under*
6 *this Act shall be for equal value. No later than ninety days*
7 *after enactment of this Act, the Secretary of the Interior,*
8 *the Secretary of Agriculture, and the Governor of the State*
9 *of Utah shall provide for an appraisal of the lands or inter-*
10 *ests therein involved in the exchanges authorized by this*
11 *Act. A detailed appraisal report shall utilize nationally rec-*
12 *ognized appraisal standards including, to the extent appro-*
13 *priate, the uniform appraisal standards for Federal land*
14 *acquisition.*

15 (b) *DEADLINE AND DISPUTE RESOLUTION.*—(1) *If*
16 *after two years from the date of enactment of this Act, the*
17 *parties have not agreed upon the final terms of some or*
18 *all of the exchanges authorized by this Act, including the*
19 *value of the lands involved in some or all of such exchanges,*
20 *notwithstanding any other provisions of law, any appro-*
21 *priate United States District Court, including but not lim-*
22 *ited to the United States District Court for the District of*
23 *Utah, Central Division, shall have jurisdiction to hear, de-*
24 *termine, and render judgment on the value of any and all*
25 *lands, or interests therein, involved in the exchange.*

1 (2) *No action provided for in this subsection may be*
2 *filed with the Court sooner than two years and later than*
3 *five years after the date of enactment of this Act. Any deci-*
4 *sion of a District Court under this Act may be appealed*
5 *in accordance with the applicable laws and rules.*

6 (c) *ADJUSTMENT.—If the State shares revenue from*
7 *the selected Federal properties, the value of such properties*
8 *shall be the value otherwise established under this section,*
9 *less the percentage which represents the Federal revenue*
10 *sharing obligation, but such adjustment shall not be consid-*
11 *ered as reflecting a property right of the State of Utah.*

12 (d) *INTEREST.—Any royalty offer by the Secretary*
13 *pursuant to subsection 7(b) shall be adjusted to reflect net*
14 *present value as of the effective date of the exchange. The*
15 *State shall be entitled to receive a reasonable rate of interest*
16 *at a rate equivalent to a five-year Treasury note on the*
17 *balance of the value owed by the United States from the*
18 *effective date of the exchange until full value is received by*
19 *the State and mineral rights revert to the United States*
20 *as prescribed by subsection 9(a)(3).*

21 **SEC. 9. TRANSFER OF TITLE.**

22 (a) *TERMS.—(1) The State of Utah shall be entitled*
23 *to receive so much of those lands or interests in lands and*
24 *additional royalties described in section 7 that are offered*
25 *by the Secretary of the Interior and accepted by the State*

1 *as are equal in value to the State lands and interests de-*
2 *scribed in sections 2, 3, 5, and 6.*

3 (2) *For those properties where fee simple title is to be*
4 *conveyed to the State of Utah, the Secretary of the Interior*
5 *shall convey, subject to valid existing rights, all right, title,*
6 *and interest, subject to the provisions of subsection (b). For*
7 *those properties where less than fee simple is to be conveyed*
8 *to the State of Utah, the Secretary shall reserve to the*
9 *United States all remaining right, title, and interest of the*
10 *United States.*

11 (3) *All right, title, and interest in any mineral rights*
12 *described in section 7 that are conveyed to the State of Utah*
13 *pursuant to this Act shall revert to the United States upon*
14 *removal of minerals equal in value to the value attributed*
15 *to such rights in connection with an exchange under this*
16 *Act.*

17 (4) *If the State of Utah accepts the offers provided for*
18 *in this Act, the State shall convey to the United States, sub-*
19 *ject to valid existing rights, all right, title, and interest of*
20 *the State to all school and institutional trust lands de-*
21 *scribed in sections 2, 3, 5, and 6 of this Act. Except as*
22 *provided in section 7(b), conveyance of all lands or interests*
23 *in lands shall take place within sixty days following agree-*
24 *ment by the Secretary of the Interior and the Governor of*

1 *the State of Utah, or entry of an appropriate order of judg-*
2 *ment by the District Court.*

3 **(b) INSPECTIONS.**—*Both parties shall inspect all perti-*
4 *nent records and shall conduct a physical inspection of the*
5 *lands to be exchanged pursuant to this Act for the presence*
6 *of any hazardous materials as presently defined by applica-*
7 *ble law. The results of those inspections shall be made avail-*
8 *able to the parties. Responsibility for costs of remedial ac-*
9 *tion related to materials identified by such inspections shall*
10 *be borne by those entities responsible under existing law.*

11 **(c) CONDITIONS.**—*(1) With respect to the lands and*
12 *interests described in section 7(a), enactment of this Act*
13 *shall be construed as satisfying the provisions of section*
14 *206(a) of the Federal Land Policy and Management Act*
15 *of 1976 requiring that exchanges of lands be in the public*
16 *interest.*

17 **(2) Development of any mineral interest transferred**
18 *to the State of Utah pursuant to this Act shall be subject*
19 *to all laws, rules, and regulations applicable to development*
20 *of non-Federal mineral interests, including, where appro-*
21 *priate, laws, rules, and regulations applicable to such devel-*
22 *opment within National Forests. Extraction of any coal re-*
23 *sources described in section 7(a) shall occur only through*
24 *underground coal mining operations.*

1 **SEC. 10. LEGAL DESCRIPTIONS.**

2 (a) *IN GENERAL.*—As soon as practicable after the
3 date of enactment of this Act, a map and legal description
4 of the lands added to the Navajo and Goshute Indian Res-
5 ervations and all lands exchanged under this Act shall be
6 filed by the appropriate Secretary with the Committee on
7 Natural Resources of the United States House of Represent-
8 atives and the Committee on Energy and Natural Resources
9 of the United States Senate, and each such map and de-
10 scription shall have the same force and effect as if included
11 in this Act, except that the appropriate Secretary may cor-
12 rect clerical and typographical errors in each such legal de-
13 scription and map. Each such map and legal description
14 shall be on file and available for public inspection in the
15 offices of the Secretary of Agriculture and the Secretary of
16 the Interior and the Utah offices of the appropriate agencies
17 of the Department of the Interior and Department of Agri-
18 culture.

19 (b) *PILT.*—Section 6902(b) of title 31, United States
20 Code, is amended by striking “acquisition.” and inserting
21 in lieu thereof “acquisition, nor does this subsection apply
22 to payments for lands in Utah acquired by the United
23 States if at the time of such acquisition units, under appli-
24 cable State law, were entitled to receive payments from the
25 State for such lands, but in such case no payment under
26 this chapter with respect to such acquired lands shall exceed

1 *the payment that would have been made under State law*
2 *if such lands had not been acquired.”.*

3 (c) *INTENT.*—*The lands and interests described in sec-*
4 *tion 7 are an offer related only to the State lands and inter-*
5 *ests described in this Act, and nothing in this Act shall be*
6 *construed as precluding conveyance of other lands or inter-*
7 *ests to the State of Utah pursuant to other exchanges under*
8 *applicable existing law or subsequent act of Congress. It is*
9 *the intent of Congress that the State should establish a fund-*
10 *ing mechanism, or some other mechanism, to assure that*
11 *counties within the State are treated equitably as a result*
12 *of this exchange.*

13 (d) *COSTS.*—*The United States and the State of Utah*
14 *shall each bear its own respective costs incurred in the im-*
15 *plementation of this Act.*

16 (e) *DEFINITION.*—*As used in this Act, the term (1)*
17 *“School and Institutional Trust Lands” means those prop-*
18 *erties granted by the United States in the Utah Enabling*
19 *Act to the State of Utah in trust and other lands which*
20 *under State law must be managed for the benefit of the pub-*
21 *lic school system or the institutions of the State which are*
22 *designated by the Utah Enabling Act; and (2) “Secretary”*
23 *means the Secretary of the Interior; unless specifically de-*
24 *finied otherwise.*

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated such sums as*
3 *are necessary to carry out this Act.*

Attest:

Clerk.