

## UTAH SCHOOLS AND LANDS EXCHANGE ACT OF 1998

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JUNE 24, 1998.—Committed to the Committee of the White 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

### REPORT

[To accompany H.R. 3830]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3830) to provide for the exchange of certain lands within the State of Utah, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 3830 is to provide for the exchange of certain lands within the State of Utah.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 3830 was introduced to provide for the exchange of certain lands within the State of Utah. When Utah became a state, it was granted alternating sections of the public domain to provide funds for the school children of Utah. This system provided a broad sample of all the lands in Utah, ensuring that the State would receive valuable mineral, agricultural, timber, and commercial lands to support the education of Utah's children. Before most of the lands could be developed or sold, the federal government began a policy shift toward retention of public lands. Instead of becoming valuable inholdings in developing privately-owned areas, the State trust lands became isolated tracts surrounded by lands with almost no developmental potential.

H.R. 3830 would allow the State of Utah to trade 176,000 acres of land as well as approximately 24,000 acres of mineral interests of the school trust lands within the Grand Staircase-Escalante National Monument, and an additional 200,000 acres of land, with

76,000 acres of mineral interests, within the boundaries of several national parks and U.S. Forest Service units, for Bureau of Land Management acres elsewhere in the State. The bill would also grant the State of Utah substantial coal interests and \$50 million dollars. In 1993, Congress passed Public Law 103-93, which contained a process for exchanging State of Utah inholdings. The \$50 million dollars the State receives under H.R. 3830 was earmarked as part of Public Law 103-93 and thus is not new spending according to Office of Management and Budget. Because of protracted litigation, the exchanges anticipated in Public Law 103-93 were never consummated and the funds never expended. H.R. 3830 will finally enact that process. This bill is a large stride toward solving the public lands issues in Utah, and most importantly, will finally give the school children of Utah some of the funds that they have been denied for so long.

#### COMMITTEE ACTION

H.R. 3830 was introduced on May 12, 1998, by Congressman James Hansen (R-UT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On May 19, 1998, the Subcommittee held a hearing on H.R. 3830, where both the Secretary of the Interior Bruce Babbitt and Utah Governor Michael Leavitt testified in favor of H.R. 3830. On June 11, 1998, the Subcommittee met to consider H.R. 3830. No amendments were offered and the bill was ordered favorably reported to the Full Committee by voice vote. On June 17, 1998, the Full Resources Committee met to consider H.R. 3830. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X 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 H.R. 3830.

#### COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 3830. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

## COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3830 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 3830 could affect offsetting receipts, but the effect over the next five years is “not likely to be significant.”

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI 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 and Oversight on the subject of H.R. 3830.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 3830 from the Director of the Congressional Budget Office.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 23, 1998.*

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. 3830, the Utah Schools and Lands Exchange Act of 1998.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 3830—Utah Schools and Lands Exchange Act of 1998*

Summary: H.R. 3830 would ratify an agreement between the state of Utah and the Department of the Interior (DOI) regarding an exchange of certain state and federal lands, mineral interests, and a cash payment. The agreement supersedes and expands on an exchange provided for under the Utah Schools and Lands Improvement Act of 1993 (Public Law 103–93).

Enacting H.R. 3830 could affect direct spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but the aggregate effect over the next five years is not likely to be significant. Because the federal land to be offered to Utah does not currently generate significant mineral receipts and the extent of future development of that land is uncertain, the exchange would probably not result in a significant loss of mineral receipts within the next five years. Enacting the bill would probably shift the tim-

ing of some payments between the federal government and Utah, but we do not expect a net change in payments over the 1999–2003 period.

H.R. 3830 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Background: Under current law (Public Law 103–93), the Secretary of the Interior is authorized to acquire about 39,480 acres of surface lands and about 49,460 acres of subsurface lands owned by the state, to be made part of the Navajo and Goshute Indian Reservations. In addition, the current law authorizes the Secretary to acquire about 156,000 acres of surface and subsurface land owned by the state within the boundaries of national parks and forests in Utah. In exchange for acquiring these state lands, the law authorizes the Secretary to offer Utah certain specified coal tracts on federal land, about 3,640 acres of commercial property, up to \$50 million in mineral royalties from federal land within Utah, and additional lands as required to complete the exchange. This authorized exchange has not yet been completed, however, because of disagreements on valuation. Those disagreements are currently being contested in court.

Description of the bill's major provisions: H.R. 3830 would ratify an agreement entered into by the state of Utah and DOI on May 8, 1998, superseding and expanding on the exchanges authorized by Public Law 103–93.

Under the agreement, the state of Utah would convey to the federal government about 376,739 surface acres and about 442,719 subsurface acres of state land within the Grand Staircase-Escalante National Monument, the Navajo and Goshute Indian Reservations, and several national parks, recreation areas, and forests.

In return, the federal government would convey to Utah about 138,647 acres of federal land with potential coal resources of roughly 160 million tons; the rights to \$13 million (plus interest) in potential future coal royalties and rent from federal coal in a particular tract that is so far undeveloped; potential coal bed methane resources of 185 billion cubic feet; other potential mineral resources such as oil, gas, and limestone; commercial properties; and \$50 million in cash upon completion of the exchange. Any future bonus bids generated from the state's sale of the mineral resources on federal land would be split equally between the state and the federal government, reduced by 50 percent of the state's administrative costs.

Estimated cost to the Federal Government: Based on information from DOI and Utah, we do not expect the enacting H.R. 3830 would result in any significant costs to the federal government over the next five years. CBO expects that enacting the bill would result in discretionary costs to implement the exchange (for activities such as revising and signage), but we estimate that such costs would total less than \$500,000 per year. We expect that enacting the bill would have some effect on offsetting receipts, but we do not expect any significant loss of receipts over the next five years, and we have no basis for predicting either the magnitude or the timing

of any such potential effects over the long term. The potential effects on direct spending are discussed below.

*Mineral resources*

The agreement would provide that Utah receive 160 million tons of coal in certain tracts. In addition, the state would receive the rights to \$13 million (plus interest) in potential rent and royalty income from the Cottonwood Tract if the state leases that area, whereas under the exchange authorized by Public Law 103–93 Utah would receive the rights to all unleased coal in the Cottonwood Tract. None of the federal coal resources that would be offered to the state under the exchange are now leased or currently producing, and DOI cannot predict when such resources might generate offsetting receipts in the future, if at all.

The agreement also would provide that Utah receive 185 billion cubic feet of potential coal bed methane resources. According to DOI, most of those resources are not leased, and what is leased generates only a small amount of rent now. DOI considers production of these resources speculative and cannot estimate when or if they would produce receipts to the Treasury under current law.

Because these federal mineral resources could potentially generate offsetting receipts over the 1999–2008 period if they remained in federal ownership, enacting the bill could result in forgone receipts to the Treasury. We expect that there would be no significant loss over the next five years. Because we have no basis for predicting if and when these federal resources might be developed under current law, we cannot estimate any long-term loss of receipts that might occur under H.R. 3830.

The proposed exchange also could increase federal mineral receipts relative to current law for two reasons. First, one of the federal coal tracts authorized for exchange under Public Law 103–93, the Quitchupah (Convulsion Canyon) Tract, is now under lease; because the exchange under H.R. 3830 would exclude this federal tract, it could result in additional receipts generated by the federal government on land acquired from Utah. Such a waiver could increase net receipts to the Treasury because under current law Utah would share in such receipts. However, because the language of the agreement appears unclear in this regard, and because CBO has no basis for predicting when or if the federal government would develop such land, we cannot estimate the amount of any additional receipts.

*\$50 million cash payment*

Under H.R. 3830, the federal government would pay \$50 million to Utah upon completion of the exchange. This payment would replace one of the same amount authorized by Public Law 103–93. It seems likely that the \$50 million payment to Utah under Public Law 103–93 would eventually be made sometime during the 1999–2003 period, either under a settlement or pursuant to a court decision, but we cannot predict precisely when the payment would occur. Under H.R. 3830, the cash payment would likely occur in fiscal year 1999. Therefore, we expect that enacting the bill might result in a shift in the timing of the cash payment, but would not

change the aggregate amount of cash payments over the next five years.

*Federal commercial properties*

Under the agreement, Utah would receive about 3,640 acres of federal land on which a ski resort and a telecommunications site are located. Those properties were part of the exchange authorized under Public Law 103–93. Because it seems reasonably likely that these properties would eventually be exchanged with Utah under current law, this part of the exchange would have no budgetary effect relative to current law.

*Development properties*

According to DOI, none of the potential development properties that would be offered to Utah are under lease or generating receipts.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Because enacting H.R. 3830 could affect direct spending (including offsetting receipts), pay-as-you-go procedures would apply. CBO expects that enacting H.R. 3830 would probably shift the timing of some payments between the federal government and Utah, and could result in some loss of offsetting receipts that would otherwise accrue to the government under current law, but we have no basis for predicting either the magnitude or the timing of any such potential effects.

Estimated impacts on State, local, and tribal governments: H.R. 3830 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The agreement ratified by this bill was entered into voluntarily by the state of Utah. All costs and benefits accruing to the state would be the result of that agreement.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Victoria V. Heid. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 3830 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

**UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF  
1993**

AN ACT To provide for the exchange of certain lands within the State of Utah, and  
for other purposes.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

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

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

【(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Navajo Nation certain lands belonging to the State of Utah, which comprise approximately thirty-eight thousand five hundred acres of surface and subsurface estate, and approximately an additional nine thousand five hundred acres of subsurface estate, as generally depicted on the map entitled “Utah-Navajo Land Exchange”, dated May 18, 1992, such lands are hereby declared to be part of the Navajo Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

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

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

【(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Goshute Indian Tribe certain lands belonging to the State of Utah, which comprise approximately nine hundred eighty acres of surface and subsurface estate, and an additional four hundred and eighty acres of subsurface estate, as generally depicted on the map entitled “Utah-Goshute Land Exchange”, dated May 18, 1992, such lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

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

【(c) OTHER LAND.—(1) The following tract of Federal land located in the State of Nevada, comprising approximately five acres more or less, together with all improvements thereon, is hereby declared to be part of the Goshute Indian Reservation, and shall be held in trust for the Goshute Indian Tribe: Township 30 North, Range 69 East, lots 5, 6, 7, 9, 11, and 14 of section 34.

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

**SEC. 4. IMPLEMENTATION.**

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

**[SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYSTEM.**

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

[(b) STATUS.—Any lands acquired by the United States pursuant to this section shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

**[SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYSTEM.**

[(a) AUTHORIZATION.—The Secretary of the Interior is hereby authorized to accept on behalf of the United States title to all school and institutional trust lands owned by the State of Utah located within all units of the National Park System, comprising approximately eighty thousand acres, located within the State of Utah on the date of enactment of this Act.

[(b) STATUS.—(1) Notwithstanding any other provision of law, all lands of the State of Utah within units of the National Park System that are conveyed to the United States pursuant to this section shall become a part of the appropriate unit of the National Park System, and shall be subject to all laws and regulations applicable to that unit of the National Park System.

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

**[SEC. 7. OFFER TO STATE.**

[(a) SPECIFIC OFFERS.—Within thirty days after enactment of this Act, the Secretary of the Interior shall transmit to the State of Utah a list of lands, or interests in lands, within the State of Utah for transfer to the State of Utah in exchange for the State lands and interests described in sections 2, 3, 5, and 6 of this Act. Such list shall include only the following Federal lands, or interests therein:

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

[(2) Beaver Mountain Ski Resort site, fee estate, approximately three thousand acres, as generally depicted on the map entitled “Beaver Mountain Ski Resort” dated September 16, 1992.

[(3) The unleased coal located in the Winter Quarters Tract.

[(4) The unleased coal located in the Crandall Canyon Tract.

[(5) All royalties receivable by the United States with respect to coal leases in the Quitcupah (Convulsion Canyon) Tract.

[(6) The unleased coal located in the Cottonwood Canyon Tract.

[(7) The unleased coal located in the Soldier Creek Tract.]

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

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

(3) The Secretary shall make no offer under this subsection which would enable the State of Utah to receive royalties under this section exceeding \$50,000,000.

[(4) If the total value of lands and interests therein and royalties offered to the State pursuant to subsections (a) and (b) is less than the total value of the State lands described in sections 2, 3, 5, and 6, the Secretary shall provide the State a list of all public lands in Utah that as of December 31, 1992, the Secretary, in resource management plans prepared pursuant to the Federal Land Policy and Management Act of 1976, had identified as suitable for disposal by exchange or otherwise, and shall offer to transfer to the State any or all of such lands, as selected by the State, in partial exchange for such State lands, to the extent consistent with other applicable laws and regulations.]

**[(SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.)**

[(a) **EQUAL VALUE.**—All exchanges authorized under this Act shall be for equal value. No later than ninety days after enactment of this Act, the Secretary of the Interior, the Secretary of Agriculture, and the Governor of the State of Utah shall provide for an appraisal of the lands or interests therein involved in the exchanges authorized by this Act. A detailed appraisal report shall utilize nationally recognized appraisal standards including, to the extent appropriate, the uniform appraisal standards for Federal land acquisition.]

[(b) **DEADLINE AND DISPUTE RESOLUTION.**—(1) If after two years from the date of enactment of this Act, the parties have not agreed upon the final terms of some or all of the exchanges authorized by this Act, including the value of the lands involved in some or all of such exchanges, notwithstanding any other provisions of law, any appropriate United States District Court, including but not limited to the United States District Court for the District of Utah, Central Division, shall have jurisdiction to hear, determine, and render judgment on the value of any and all lands, or interests therein, involved in the exchange.]

[(2) No action provided for in this subsection may be filed with the Court sooner than two years and later than five years after the date of enactment of this Act. Any decision of a District Court under this Act may be appealed in accordance with the applicable laws and rules.]

[(c) **ADJUSTMENT.**—If the State shares revenue from the selected Federal properties, the value of such properties shall be the value otherwise established under this section, less the percentage which represents the Federal revenue sharing obligation, but such adjust-

ment shall not be considered as reflecting a property right of the State of Utah.

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

**[SEC. 9. TRANSFER OF TITLE.**

[(a) TERMS.—(1) The State of Utah shall be entitled to receive so much of those lands or interests in lands and additional royalties described in section 7 that are offered by the Secretary of the Interior and accepted by the State as are equal in value to the State lands and interests described in sections 2, 3, 5, and 6.

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

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

[(4) If the State of Utah accepts the offers provided for in this Act, the State shall convey to the United States, subject to valid existing rights, all right, title, and interest of the State to all school and institutional trust lands described in sections 2, 3, 5, and 6 of this Act. Except as provided in section 7(b), conveyance of all lands or interests in lands shall take place within sixty days following agreement by the Secretary of the Interior and the Governor of the State of Utah, or entry of an appropriate order of judgment by the District Court.

[(b) INSPECTIONS.—Both parties shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Act for the presence of any hazardous materials as presently defined by applicable law. The results of those inspections shall be made available to the parties. Responsibility for costs of remedial action related to materials identified by such inspections shall be borne by those entities responsible under existing law.

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

[(2) Development of any mineral interest transferred to the State of Utah pursuant to this Act shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests, including, where appropriate, laws, rules, and regulations ap-

plicable to such development within National Forests. Extraction of any coal resources described in section 7(a) shall occur only through underground coal mining operations.

[(3) Transfer of any mineral interests to the State of Utah shall be subject to such conditions as the Secretary shall prescribe to ensure due diligence on the part of the State of Utah to achieve the timely development of such resources.

**[SEC. 10. LEGAL DESCRIPTIONS.**

[(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, a map and legal description of the lands added to the Navajo and Goshute Indian Reservations and all lands exchanged under this Act shall be filed by the appropriate Secretary with the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and each such map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the offices of the Secretary of Agriculture and the Secretary of the Interior and the Utah offices of the appropriate agencies of the Department of the Interior and Department of Agriculture.]

[(b) **PILT.**—Section 6902(b) of title 31, United States Code, is amended by striking “acquisition.” and inserting in lieu thereof “acquisition, nor does this subsection apply to payments for lands in Utah acquired by the United States if at the time of such acquisition units, under applicable State law, were entitled to receive payments from the State for such lands, but in such case no payment under this chapter with respect to such acquired lands shall exceed the payment that would have been made under State law if such lands had not been acquired.”]

[(c) **INTENT.**—The lands and interests described in section 7 are an offer related only to the State lands and interests described in this Act, and nothing in this Act shall be construed as precluding conveyance of other lands or interests to the State of Utah pursuant to other exchanges under applicable existing law or subsequent act of Congress. It is the intent of Congress that the State should establish a funding mechanism, or some other mechanism, to assure that counties within the State are treated equitably as a result of this exchange.

[(d) **COSTS.**—The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

[(e) **DEFINITION.**—As used in this Act, the term (1) “School and Institutional Trust Lands” means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust and other lands which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act; and (2) “Secretary” means the Secretary of the Interior; unless specifically defined otherwise.

**[SEC. 11. ADDITIONAL GOSHUTE INDIAN RESERVATION LANDS.**

[(a) FURTHER ADDITIONS TO GOSHUTE RESERVATION.—In addition to the lands described in section 3, for the purpose of securing in trust for the Goshute Indian Tribe certain additional public lands and lands belonging to the State of Utah, which comprise approximately 8,000 acres of surface and subsurface estate, as generally depicted on the map entitled ‘Additional Utah-Goshute Exchange’, dated July 1, 1994, such public lands and State lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance of the State lands from the State of Utah and acceptance of title by the United States.

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

[(c) APPLICATION OF PRIOR PROVISIONS.—(1) Except as provided in paragraph (2), the remaining provisions of this Act which are applicable to the lands to be transferred to the Goshute Indian Tribe pursuant to section 3 shall also apply to the lands subject to this section.

[(2) The Goshute Indian Tribe will be responsible for payment of the costs of appraisal of the lands to be acquired pursuant to this section, which costs shall be paid prior to the transfer of such lands.

**[SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

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**ACT OF OCTOBER 1, 1996**

AN ACT To amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**[SECTION 1. ADDITION OF CERTAIN UTAH STATE LANDS TO GOSHUTE INDIAN RESERVATION.**

[The Utah Schools and Lands Improvement Act of 1993 (107 Stat. 995) is amended—

[(1) by redesignating section 11 as section 12; and

[(2) by inserting after section 10 the following new section:

**[“SEC. 11. ADDITIONAL GOSHUTE INDIAN RESERVATION LANDS.**

[(a) FURTHER ADDITIONS TO GOSHUTE RESERVATION.—In addition to the lands described in section 3, for the purpose of securing in trust for the Goshute Indian Tribe certain additional public lands and lands belonging to the State of Utah, which comprise approximately 8,000 acres of surface and subsurface estate, as generally depicted on the map entitled ‘Additional Utah-Goshute Exchange’, dated July 1, 1994, such public lands and State lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance of the State lands from the State of Utah and acceptance of title by the United States.

【“(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands and interests in land described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

【“(c) APPLICATION OF PRIOR PROVISIONS.—(1) Except as provided in paragraph (2), the remaining provisions of this Act which are applicable to the lands to be transferred to the Goshute Indian Tribe pursuant to section 3 shall also apply to the lands subject to this section.

【“(2) The Goshute Indian Tribe will be responsible for payment of the costs of appraisal of the lands to be acquired pursuant to this section, which costs shall be paid prior to the transfer of such lands.”.】

