

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 1128

To provide for the continuation of higher education through the conveyance to the University of Alaska of certain public land in the State of Alaska, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “University of Alaska
5 Fiscal Foundation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AVAILABLE STATE-SELECTED LAND.—The
9 term “available State-selected land” means Federal
10 land in the State that has been selected by the State
11 pursuant to section 6(b) of Public Law 85–508

1 (commonly known as the “Alaska Statehood Act”)
2 (48 U.S.C. note prec. 21), including land upon
3 which the State has, prior to December 31, 1993,
4 filed a future selection application under section
5 906(e) of the Alaska National Interest Lands Con-
6 servation Act (43 U.S.C. 1635(e)), but not conveyed
7 or patented to the State, pursuant to Public Law
8 85–508 (commonly known as the “Alaska Statehood
9 Act”) (48 U.S.C. note prec. 21).

10 (2) INHOLDING.—The term “inholding” means
11 any interest in land owned by the University with-
12 in—

13 (A) any conservation system unit (as de-
14 fined in section 102 of the Alaska National In-
15 terest Lands Conservation Act (16 U.S.C.
16 3102)); or

17 (B) any unit of the National Forest Sys-
18 tem in the State.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior, acting through the Di-
21 rector of the Bureau of Land Management.

22 (4) STATE.—The term “State” means the State
23 of Alaska.

1 (5) UNIVERSITY.—The term “University”
2 means the University of Alaska, acting through the
3 Board of Regents.

4 **SEC. 3. ESTABLISHMENT.**

5 The Secretary shall establish a program within the
6 Bureau of Land Management—

7 (1) to identify and convey available State-se-
8 lected land to the University to support higher edu-
9 cation in the State; and

10 (2) to acquire, by purchase or exchange, Uni-
11 versity-owned inholdings in the State.

12 **SEC. 4. IDENTIFICATION OF LAND TO BE CONVEYED TO**
13 **THE UNIVERSITY.**

14 (a) IN GENERAL.—Not later than 4 years after the
15 date of enactment of this Act, the State and the University
16 may jointly identify not more than 500,000 acres of avail-
17 able State-selected land for inclusion in the program es-
18 tablished under section 3, of which not more than 360,000
19 acres may be conveyed and patented to the University.

20 (b) TECHNICAL ASSISTANCE.—Upon the request of
21 the State and the University, the Secretary shall provide
22 technical assistance in the identification of available State-
23 selected land for inclusion in the program.

24 (c) MAPS.—As soon as practicable after the date on
25 which the available State-selected land is identified under

1 subsection (a), the Secretary shall submit to the Com-
2 mittee on Energy and Natural Resources of the Senate
3 and the Committee on Natural Resources of the House
4 of Representatives 1 or more maps depicting the available
5 State-selected land identified for potential conveyance to
6 the University.

7 (d) CONVEYANCE.—Subject to subsection (e), if the
8 State and the University notify the Secretary in writing
9 that the State and the University jointly concur with the
10 conveyance of all or a portion of the available State-se-
11 lected land identified under subsection (a), and that the
12 State will conditionally relinquish the selection rights of
13 the State to the land covered by the notification on the
14 issuance of the land being tentatively approved, and will
15 fully relinquish those selection rights on final patent by
16 the Secretary to the University, the Secretary shall convey
17 the applicable identified available State-selected land to
18 the University, subject to valid existing rights, in the same
19 manner and subject to the same terms, conditions, and
20 limitations as is applicable to the State under section 6(b)
21 of Public Law 85–508 (commonly known as the “Alaska
22 Statehood Act”) (48 U.S.C. note prec. 21) and other ap-
23 plicable law, to be held in trust for the exclusive use and
24 benefit of the University, to be administered in accordance
25 with section 6.

1 (e) TERMS AND CONDITIONS.—

2 (1) MAXIMUM ACREAGE.—Subject to paragraph
3 (3), the Secretary shall convey not more than a total
4 of 360,000 acres of available State-selected land to
5 the University under this section, not to exceed the
6 remaining entitlement of the State under section
7 6(b) of Public Law 85–508 (commonly known as the
8 “Alaska Statehood Act”) (48 U.S.C. note prec. 21).

9 (2) LETTERS OF CONCURRENCE.—For purposes
10 of subsection (d) and subject to the maximum acre-
11 age limitation under subsection (a), the State and
12 the University may submit to the Secretary 1 or
13 more joint letters of concurrence identifying parcels
14 of available State selected land for conveyance as a
15 subset of the total acres to be conveyed under this
16 section.

17 (3) ACREAGE CHARGED AGAINST ALASKA
18 STATEHOOD ACT ENTITLEMENT.—The acreage of
19 land conveyed to the University under this section
20 shall be charged against the remaining entitlement
21 of the State under section 6(b) of Public Law 85–
22 508 (commonly known as the “Alaska Statehood
23 Act”) (48 U.S.C. note prec. 21).

24 (4) SURVEY COSTS.—In accordance with Public
25 Law 85–508 (commonly known as the “Alaska

1 Statehood Act”) (48 U.S.C. note prec. 21), the Sec-
2 retary shall be responsible for the costs of required
3 surveys.

4 (5) SUBMERGED LANDS.—Lands beneath navi-
5 gable waters (as defined in section 2 of the Sub-
6 merged Lands Act (43 U.S.C. 1301)) shall not be
7 available for conveyance to the University under the
8 program established under section 3.

9 **SEC. 5. UNIVERSITY OF ALASKA INHOLDINGS.**

10 (a) IN GENERAL.—The Secretary or the Secretary of
11 Agriculture, as appropriate, may acquire by purchase or
12 exchange, with the consent of the University, University-
13 owned inholdings within Federal land in the State.

14 (b) APPRAISALS.—The value of the land to be ex-
15 changed or acquired under this section shall be determined
16 by the Secretary or the Secretary of Agriculture, as appro-
17 priate, through appraisals conducted—

18 (1) in accordance with—

19 (A) the Uniform Appraisal Standards for
20 Federal Land Acquisitions; and

21 (B) the Uniform Standards of Professional
22 Appraisal Practice; and

23 (2) by a qualified appraiser mutually agreed to
24 by the Secretary or the Secretary of Agriculture, as
25 appropriate, and the University.

1 (c) EQUAL VALUE EXCHANGES.—For any land ex-
2 change entered into under this section, the Federal land
3 and University-owned inholdings exchanged shall be of
4 equal value.

5 (d) PURCHASE ACQUISITIONS.—Pursuant to chapter
6 2003 of title 54, United States Code, amounts in the Land
7 and Water Conservation Fund established by section
8 200302 of that title may be used for the purchase of Uni-
9 versity-owned inholdings within Federal land in the State
10 under this section.

11 (e) REQUIREMENT.—Any land acquired by the
12 United States under this section shall be administered in
13 accordance with the laws (including regulations) applica-
14 ble to the conservation system unit or unit of the National
15 Forest System in which the land is located.

16 **SEC. 6. ADMINISTRATION OF CONVEYED OR EXCHANGED**
17 **LAND.**

18 All available State-selected land that is tentatively ap-
19 proved or conveyed to the University under this Act, and
20 all land or assets acquired by the University through an
21 exchange under this Act, together with the income there-
22 from and the proceeds from any dispositions thereof, shall
23 be administered by the University in trust to meet the nec-
24 essary expenses of higher education programs, similar to
25 prior Federal land grants to the University.

1 **SEC. 7. STATE AND UNIVERSITY PARTICIPATION.**

2 Nothing in this Act requires the State or the Univer-
3 sity—

4 (1) to participate in the program established
5 under section 3; or

6 (2) to enter into sales or exchanges of Univer-
7 sity-owned inholdings under section 5.

8 **SEC. 8. CONGRESSIONAL NOTIFICATION.**

9 Not later than 90 days after the date of any convey-
10 ance and patent to the University under this Act, the Sec-
11 retary shall notify the Committee on Energy and Natural
12 Resources of the Senate and the Committee on Natural
13 Resources of the House of Representatives of the land con-
14 veyed and patented.

15 **SEC. 9. NO EFFECT ON ALASKA STATEHOOD ACT ENTITLE-**
16 **MENT UNAFFECTED.**

17 Except for any available State-selected land conveyed
18 under section 4 and charged against the remaining entitle-
19 ment of the State under section 6(b) of Public Law 85-
20 508 (commonly known as the “Alaska Statehood Act”)
21 (48 U.S.C. note prec. 21)—

22 (1) the operation of the program established
23 under section 3 shall not diminish or alter the rights
24 of the State to receive the entitlement of the State
25 in any way; and

1 (2) the State may continue to pursue the trans-
2 fer of the remaining entitlement of the State under
3 section 6(b) of Public Law 85–508 (commonly
4 known as the “Alaska Statehood Act”) (48 U.S.C.
5 note prec. 21) at any time.