

Calendar No. 495

117TH CONGRESS
2^D SESSION**S. 1128****[Report No. 117–152]**

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.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2021

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 21, 2022

Reported by Mr. MANCHIN, with an amendment

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

A BILL

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.

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. SHORT TITLE.**

2 This Act may be cited as the “University of Alaska
3 Fiscal Foundation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 ~~(1) AVAILABLE STATE-SELECTED LAND.~~—The
7 term “available State-selected land” means Federal
8 land in the State that has been selected by the
9 State, including land upon which the State has,
10 prior to December 31, 1993, filed a future selection
11 application under section 906(e) of the Alaska Na-
12 tional Interest Lands Conservation Act (43 U.S.C.
13 1635(e)), but not conveyed or patented to the State,
14 pursuant to Public Law 85–508 (commonly known
15 as the “Alaska Statehood Act”) (48 U.S.C. note
16 prec. 21).

17 ~~(2) CONSERVATION SYSTEM UNIT.~~—The term
18 “conservation system unit” has the meaning given
19 the term in section 102 of the Alaska National In-
20 terest Lands Conservation Act (16 U.S.C. 3102).

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

24 ~~(4) STATE.~~—The term “State” means the State
25 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 land located within conservation sys-
 12 tem units in the State.

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

15 (a) IN GENERAL.—Not later than 2 years after the
 16 date of enactment of this Act, the State and the University
 17 may jointly identify not more than 500,000 acres of avail-
 18 able State-selected land for inclusion in the program es-
 19 tablished under section 3, of which not more than 360,000
 20 acres may be conveyed and patented to the University.

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

1 (c) MAPS.—As soon as practicable after the date on
 2 which the available State-selected land is identified under
 3 subsection (a), the Secretary shall submit to the Com-
 4 mittee on Energy and Natural Resources of the Senate
 5 and the Committee on Natural Resources of the House
 6 of Representatives 1 or more maps depicting the available
 7 State-selected land identified for conveyance to the Uni-
 8 versity.

9 (d) CONVEYANCE.—Subject to subsection (c), if the
 10 State and the University notify the Secretary in writing
 11 that the State and the University jointly concur with the
 12 conveyance of all or a portion of the available State-se-
 13 lected land identified under subsection (a), and that the
 14 State relinquishes its selection rights to the land covered
 15 by the notification, the Secretary shall convey the applica-
 16 ble identified available State-selected land to the Univer-
 17 sity, subject to valid existing rights, in the same manner
 18 and subject to the same terms, conditions, and limitations
 19 as is applicable to the State under Public Law 85-508
 20 (commonly known as the “Alaska Statehood Act”) (48
 21 U.S.C. note prec. 21) and other applicable law, to be held
 22 in trust for the exclusive use and benefit of the University,
 23 to be administered in accordance with section 6.

24 (e) TERMS AND CONDITIONS.—

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

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

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

23 (4) SURVEY COSTS.—In accordance with Public
 24 Law 85–508 (commonly known as the “Alaska
 25 Statehood Act”) (48 U.S.C. note prec. 21), the Sec-

1 retary shall be responsible for the costs of required
2 surveys.

3 **SEC. 5. UNIVERSITY OF ALASKA INHOLDINGS WITHIN CON-**
4 **SERVATION SYSTEM UNITS.**

5 (a) IN GENERAL.—The Secretary or the Secretary of
6 Agriculture, as appropriate, may acquire by purchase or
7 exchange, with the consent of the University, University-
8 owned inholdings within conservation system units in the
9 State.

10 (b) APPRAISALS.—The value of the land to be ex-
11 changed or acquired under this section shall be determined
12 by the Secretary through appraisals conducted—

13 (1) in accordance with—

14 (A) the Uniform Appraisal Standards for
15 Federal Land Acquisitions; and

16 (B) the Uniform Standards of Professional
17 Appraisal Practice; and

18 (2) by an appraiser mutually agreed to by the
19 Secretary and the University.

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

24 (d) PURCHASE ACQUISITIONS.—Pursuant to chapter
25 2003 of title 54, United States Code, amounts in the Land

1 and Water Conservation Fund established by section
 2 200302 of that title may be used for the purchase of Uni-
 3 versity-owned inholdings within conservation system units
 4 in the State under this section.

5 (e) REQUIREMENT.—Any land acquired by the
 6 United States under this section shall be administered in
 7 accordance with the laws (including regulations) applica-
 8 ble to the conservation system unit in which the land is
 9 located.

10 **SEC. 6. ADMINISTRATION OF CONVEYED OR EXCHANGED**
 11 **LAND.**

12 All available State-selected land that is tentatively ap-
 13 proved or conveyed to the University under this Act, and
 14 all land acquired by the University through an exchange
 15 under this Act, together with the income therefrom and
 16 the proceeds from any dispositions thereof, shall be admin-
 17 istered by the University in trust to meet the necessary
 18 expenses of higher education programs, similar to prior
 19 Federal land grants to the University.

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

21 Nothing in this Act requires the State or the Univer-
 22 sity—

23 (1) to participate in the program established
 24 under section 3; or

1 (2) to enter into sales or exchanges of Univer-
 2 sity-owned inholdings within conservation system
 3 units under section 5.

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

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

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “University of Alaska*
 13 *Fiscal Foundation Act”.*

14 **SEC. 2. DEFINITIONS.**

15 *In this Act:*

16 (1) *AVAILABLE STATE-SELECTED LAND.*—*The*
 17 *term “available State-selected land” means Federal*
 18 *land in the State that has been selected by the State*
 19 *pursuant to section 6(b) of Public Law 85–508 (com-*
 20 *monly known as the “Alaska Statehood Act”) (48*
 21 *U.S.C. note prec. 21), including land upon which the*
 22 *State has, prior to December 31, 1993, filed a future*
 23 *selection application under section 906(e) of the Alas-*
 24 *ka National Interest Lands Conservation Act (43*
 25 *U.S.C. 1635(e)), but not conveyed or patented to the*

1 *State, pursuant to Public Law 85–508 (commonly*
 2 *known as the “Alaska Statehood Act”) (48 U.S.C.*
 3 *note prec. 21).*

4 (2) *INHOLDING.*—*The term “inholding” means*
 5 *any interest in land owned by the University with-*
 6 *in—*

7 (A) *any conservation system unit (as de-*
 8 *finied in section 102 of the Alaska National In-*
 9 *terest Lands Conservation Act (16 U.S.C. 3102));*
 10 *or*

11 (B) *any unit of the National Forest System*
 12 *in the State.*

13 (3) *SECRETARY.*—*The term “Secretary” means*
 14 *the Secretary of the Interior, acting through the Di-*
 15 *rector of the Bureau of Land Management.*

16 (4) *STATE.*—*The term “State” means the State*
 17 *of Alaska.*

18 (5) *UNIVERSITY.*—*The term “University” means*
 19 *the University of Alaska, acting through the Board of*
 20 *Regents.*

21 **SEC. 3. ESTABLISHMENT.**

22 *The Secretary shall establish a program within the Bu-*
 23 *reau of Land Management—*

1 (1) *to identify and convey available State-se-*
 2 *lected land to the University to support higher edu-*
 3 *cation in the State; and*

4 (2) *to acquire, by purchase or exchange, Univer-*
 5 *sity-owned inholdings in the State.*

6 **SEC. 4. IDENTIFICATION OF LAND TO BE CONVEYED TO**
 7 **THE UNIVERSITY.**

8 (a) *IN GENERAL.*—*Not later than 4 years after the*
 9 *date of enactment of this Act, the State and the University*
 10 *may jointly identify not more than 500,000 acres of avail-*
 11 *able State-selected land for inclusion in the program estab-*
 12 *lished under section 3, of which not more than 360,000 acres*
 13 *may be conveyed and patented to the University.*

14 (b) *TECHNICAL ASSISTANCE.*—*Upon the request of the*
 15 *State and the University, the Secretary shall provide tech-*
 16 *nical assistance in the identification of available State-se-*
 17 *lected land for inclusion in the program.*

18 (c) *MAPS.*—*As soon as practicable after the date on*
 19 *which the available State-selected land is identified under*
 20 *subsection (a), the Secretary shall submit to the Committee*
 21 *on Energy and Natural Resources of the Senate and the*
 22 *Committee on Natural Resources of the House of Represent-*
 23 *atives 1 or more maps depicting the available State-selected*
 24 *land identified for potential conveyance to the University.*

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

19 (e) *TERMS AND CONDITIONS.*—

20 (1) *MAXIMUM ACREAGE.*—*Subject to paragraph*
21 (3), *the Secretary shall convey not more than a total*
22 *of 360,000 acres of available State-selected land to the*
23 *University under this section, not to exceed the re-*
24 *maining entitlement of the State under section 6(b) of*

1 *Public Law 85–508 (commonly known as the “Alaska*
 2 *Statehood Act”)* (48 U.S.C. note prec. 21).

3 (2) *LETTERS OF CONCURRENCE.*—*For purposes*
 4 *of subsection (d) and subject to the maximum acreage*
 5 *limitation under subsection (a), the State and the*
 6 *University may submit to the Secretary 1 or more*
 7 *joint letters of concurrence identifying parcels of*
 8 *available State selected land for conveyance as a sub-*
 9 *set of the total acres to be conveyed under this section.*

10 (3) *ACREAGE CHARGED AGAINST ALASKA STATE-*
 11 *HOOD ACT ENTITLEMENT.*—*The acreage of land con-*
 12 *veyed to the University under this section shall be*
 13 *charged against the remaining entitlement of the*
 14 *State under section 6(b) of Public Law 85–508 (com-*
 15 *monly known as the “Alaska Statehood Act”)* (48
 16 *U.S.C. note prec. 21).*

17 (4) *SURVEY COSTS.*—*In accordance with Public*
 18 *Law 85–508 (commonly known as the “Alaska State-*
 19 *hood Act”)* (48 U.S.C. note prec. 21), *the Secretary*
 20 *shall be responsible for the costs of required surveys.*

21 (5) *SUBMERGED LANDS.*—*Lands beneath navi-*
 22 *gable waters (as defined in section 2 of the Submerged*
 23 *Lands Act (43 U.S.C. 1301)) shall not be available*
 24 *for conveyance to the University under the program*
 25 *established under section 3.*

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

2 (a) *IN GENERAL.*—*The Secretary or the Secretary of*
 3 *Agriculture, as appropriate, may acquire by purchase or*
 4 *exchange, with the consent of the University, University-*
 5 *owned inholdings within Federal land in the State.*

6 (b) *APPRAISALS.*—*The value of the land to be ex-*
 7 *changed or acquired under this section shall be determined*
 8 *by the Secretary or the Secretary of Agriculture, as appro-*
 9 *priate, through appraisals conducted—*

10 *(1) in accordance with—*

11 *(A) the Uniform Appraisal Standards for*
 12 *Federal Land Acquisitions; and*

13 *(B) the Uniform Standards of Professional*
 14 *Appraisal Practice; and*

15 *(2) by a qualified appraiser mutually agreed to*
 16 *by the Secretary or the Secretary of Agriculture, as*
 17 *appropriate, and the University.*

18 (c) *EQUAL VALUE EXCHANGES.*—*For any land ex-*
 19 *change entered into under this section, the Federal land and*
 20 *University-owned inholdings exchanged shall be of equal*
 21 *value.*

22 (d) *PURCHASE ACQUISITIONS.*—*Pursuant to chapter*
 23 *2003 of title 54, United States Code, amounts in the Land*
 24 *and Water Conservation Fund established by section*
 25 *200302 of that title may be used for the purchase of Univer-*

1 *sity-owned inholdings within Federal land in the State*
 2 *under this section.*

3 *(e) REQUIREMENT.—Any land acquired by the United*
 4 *States under this section shall be administered in accord-*
 5 *ance with the laws (including regulations) applicable to the*
 6 *conservation system unit or unit of the National Forest Sys-*
 7 *tem in which the land is located.*

8 **SEC. 6. ADMINISTRATION OF CONVEYED OR EXCHANGED**
 9 **LAND.**

10 *All available State-selected land that is tentatively ap-*
 11 *proved or conveyed to the University under this Act, and*
 12 *all land or assets acquired by the University through an*
 13 *exchange under this Act, together with the income therefrom*
 14 *and the proceeds from any dispositions thereof, shall be ad-*
 15 *ministered by the University in trust to meet the necessary*
 16 *expenses of higher education programs, similar to prior*
 17 *Federal land grants to the University.*

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

19 *Nothing in this Act requires the State or the Univer-*
 20 *sity—*

21 *(1) to participate in the program established*
 22 *under section 3; or*

23 *(2) to enter into sales or exchanges of University-*
 24 *owned inholdings under section 5.*

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

2 *Not later than 90 days after the date of any conveyance*
 3 *and patent to the University under this Act, the Secretary*
 4 *shall notify the Committee on Energy and Natural Re-*
 5 *sources of the Senate and the Committee on Natural Re-*
 6 *sources of the House of Representatives of the land conveyed*
 7 *and patented.*

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

10 *Except for any available State-selected land conveyed*
 11 *under section 4 and charged against the remaining entitle-*
 12 *ment of the State under section 6(b) of Public Law 85–*
 13 *508 (commonly known as the “Alaska Statehood Act”) (48*
 14 *U.S.C. note prec. 21)—*

15 *(1) the operation of the program established*
 16 *under section 3 shall not diminish or alter the rights*
 17 *of the State to receive the entitlement of the State in*
 18 *any way; and*

19 *(2) the State may continue to pursue the transfer*
 20 *of the remaining entitlement of the State under sec-*
 21 *tion 6(b) of Public Law 85–508 (commonly known as*
 22 *the “Alaska Statehood Act”) (48 U.S.C. note prec. 21)*
 23 *at any time.*

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