

106TH CONGRESS
1ST SESSION

S. 744

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

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University 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,*

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) the University of Alaska is the successor to
6 and the beneficiary of all Federal grants and convey-
7 ances to or for the Alaska Agricultural College and
8 School of Mines;

1 (2) under the Acts of March 4, 1915, 38 Stat.
2 1214, and January 21, 1929, 45 Stat. 1091, the
3 United States granted to the Territory of Alaska
4 certain federal land for the University of Alaska;

5 (3) the Territory was unable to receive most of
6 the land intended to be conveyed by the Act of
7 March 4, 1915, before repeal of that Act by sec.
8 6(k) of the Alaska Statehood Act (Public Law 85–
9 508, 72 Stat. 339);

10 (4) only one other state land grant college in
11 the United States has obtained a smaller land grant
12 from the federal government than the University of
13 Alaska has received, and all land grant colleges in
14 the western states of the United States have ob-
15 tained substantially larger land grants than the Uni-
16 versity of Alaska;

17 (5) an academically strong and financially se-
18 cure state university system is a cornerstone to the
19 long-term development of a stable population and to
20 a healthy, diverse economy and is in the national in-
21 terest;

22 (6) the national interest is served by transfer-
23 ring certain federal lands to the University of Alaska
24 which will be able to use and develop the resources
25 of such lands and by returning certain lands held by

1 the University of Alaska located within certain fed-
2 eral conservation system units to federal ownership;

3 (7) the University of Alaska holds valid legal
4 title to and is responsible for management of lands
5 transferred by the United States to the Territory
6 and State of Alaska for the University and an ex-
7 change of lands is consistent with and in furtherance
8 of the purposes and terms of, and thus not in viola-
9 tion of, the Federal grant of such lands.

10 (b) PURPOSES.—The purposes of this act are—

11 (1) to fulfill the original commitment of Con-
12 gress to establish the University of Alaska as a land
13 grant university with holdings sufficient to facilitate
14 operation and maintenance of a university system
15 for the inhabitants of the State of Alaska; and

16 (2) to acquire from the University of Alaska
17 lands it holds within federal Parks, Wildlife Refuges,
18 and Wilderness areas.

19 **SEC. 2. LAND GRANT.**

20 (a) Notwithstanding any other provision of law and
21 subject to valid existing rights, the University of Alaska
22 (“University”) is entitled to select up to 250,000 acres
23 of federal lands or interest in lands in or adjacent to Alas-
24 ka as a grant. The Secretary of the Interior (“Secretary”)
25 shall promptly convey to the University federal lands se-

1 lected and approved in accordance with the provisions of
2 this Act.

3 (b)(1) Within 48 months of the enactment of this
4 Act, the University of Alaska may submit to the Secretary
5 a description of lands or interests in lands for conveyance
6 under subsection (a). The initial selection may be less than
7 or exceed the maximum amount of the grant and the Uni-
8 versity may add or delete lands or interest in lands during
9 this period, except that selections shall not exceed 275,000
10 acres at any one time.

11 (2) The University may select lands validly selected
12 but not conveyed to the State of Alaska or to a Native
13 Corporation organized pursuant to the Alaska Native
14 Claims Settlement Act (85 Stat. 688), except that these
15 lands or interests in lands may not be approved or con-
16 veyed to the University unless the State of Alaska or the
17 Native Corporation relinquishes its selection in writing.

18 (3) The University may not make selections within
19 a Conservation System Unit, as defined in the Alaska Na-
20 tional Interest Lands Conservation Act (16 U.S.C. 3101),
21 or in the Tongass National Forest except within lands
22 classified as LUD III or LUD IV by the United States
23 Forest Service and limited to areas of second growth tim-
24 ber where timber harvest occurred after January 1, 1952.

1 (4) The University may make selections within the
2 National Petroleum Reserve-Alaska (“NPRA”), except
3 that—

4 (A) no selection may be made within an area
5 withdrawn for village selection pursuant to section
6 11(a) of the Alaska Native Claims Settlement Act
7 for the Native villages of Atkasook, Barrow, Nuiqsit
8 and Wainwright;

9 (B) no selection may be made in the Teshekpuk
10 Lake Special Area as depicted on a map dated
11 March 24; and

12 (C) No selections may be made within those
13 portions of NPRA north of latitude 69 degrees
14 North in excess of 92,000 acres. Notwithstanding
15 any other provision of this Act, no selection may be
16 made within such area during the two year period
17 extending from the date of enactment of this act.
18 The Secretary shall attempt to conclude an agree-
19 ment with the University of Alaska and the State of
20 Alaska providing for sharing NPRA leasing revenues
21 within the two year period. If the Secretary con-
22 cludes such an agreement, he shall transmit it to the
23 Congress, and no selection may be made within such
24 area during the three year period extending from the
25 date of enactment of this Act. If legislation has not

1 been enacted within three years of the date of enact-
2 ment of this Act approving the agreement, the Uni-
3 versity of Alaska may make selections within such
4 area. An agreement shall provide for the University
5 of Alaska to receive a portion of annual revenues
6 from mineral leases within NPRA in lieu of any land
7 selections within NPRA north of latitude 69 degrees
8 North, but not to exceed ten percent of such reve-
9 nues or \$9 million annually, whichever is less.

10 (5) Within forty-five (45) days of receipt of a selec-
11 tion, the Secretary shall publish notice of the selection in
12 the Federal Register. The notice shall identify the lands
13 or interest in lands included in the selection and provide
14 for a period for public comment not to exceed sixty (60)
15 days.

16 (6) Within six months of the receipt of such a notice
17 the Secretary shall accept or reject the selection and shall
18 promptly notify the University of his decision, including
19 the reasons for any rejection. A selection that is not re-
20 jected within six months of notification to the Secretary
21 is approved without further action.

22 (7) The Secretary may reject a selection if the Sec-
23 retary finds that the selection would have a significant ad-
24 verse impact on ability of the Secretary to comply with
25 the land entitlement provisions of the Alaska Statehood

1 Act or the Alaska Native Claims Settlement Act. (43
2 U.S.C. 1601) or if the Secretary finds that the selection
3 would have a direct, significant and irreversable adverse
4 effect on a Conservation System Unit as defined in the
5 Alaska National Interest Conservation Act.

6 (8) The Secretary shall promptly publish notice of an
7 acceptance or rejection of a selection in the Federal Reg-
8 ister.

9 (9) An action taken pursuant to this Act is not a
10 major federal action within the meaning of section
11 102(2)(C) of Public Law 91–190 (83 Stat. 852, 853).

12 (c) The University may not select federal lands or in-
13 terest in lands reserved for military purposes or reserved
14 for the administration of a federal agency, unless the Sec-
15 retary of Defense or the head of the affected agency agrees
16 to relinquish the lands or interest in lands.

17 (d) The University may select additional lands or in-
18 terest in lands to replace lands rejected by the Secretary.

19 (e) Lands or interest in lands shall be segregated and
20 unavailable for selection by and conveyance to the State
21 of Alaska or a Native Corporation and shall not be other-
22 wise encumbered or disposed of by the United States
23 pending completion of the selection process.

24 (f) The University may enter selected lands on a non-
25 exclusive basis to assess the oil, gas, mineral and other

1 resource potential therein and to exercise due diligence re-
2 garding making a final selection. The University, and its
3 delegates or agents, shall be permitted to engage in assess-
4 ment techniques including, but not limited to, core drilling
5 to assess the metalliferous or other values, and surface
6 geological exploration and seismic exploration for oil and
7 gas, except that exploratory drilling of oil and gas wells
8 shall not be permitted.

9 (g) Within one year of the Secretary's approval of
10 a selection, the University may make a final decision
11 whether to accept these lands or interest in lands and shall
12 notify the Secretary of its decision. The Secretary shall
13 publish notice of any such acceptance in the Federal Reg-
14 ister within six months. Effective on the date that such
15 notice is published, all right, title, and interest of the
16 United States in the described selection, including the
17 right to transfer, assign, alienate, exchange, grant, deed,
18 lease or otherwise convey any or all present or future in-
19 terest in the lands or interest in lands shall vest in the
20 University.

21 (h) Lakes, rivers and streams contained within final
22 selections shall be meandered and lands submerged there-
23 under shall be conveyed in accordance with section 901
24 of the Alaska National Interest Lands Conservation Act
25 (94 Stat. 2371, 2430; 43 U.S.C. 1631).

1 (i) Upon completion of a survey of lands or interests
2 in lands subject to an interim approval, the Secretary shall
3 promptly issue patent to these lands or interest in lands.

4 (j) The Secretary of Agriculture and the heads of
5 other Federal departments and agencies shall take
6 promptly such actions as may be necessary to assist the
7 Secretary implementing this Act.

8 **SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF**
9 **ALASKA HOLDINGS.**

10 (a) As a condition to any grant provided by section
11 2 of this Act, the University shall convey to the Secretary
12 those lands listed in “The University of Alaska’s Inholding
13 Reconveyance Document” and dated April 24, 1997.

14 (b) The University shall begin conveyance of the
15 lands described in subsection (a) upon approval of selected
16 lands and shall convey to the Secretary a percentage of
17 these lands approximately equal to that percentage of the
18 total grant represented by the approval. The University
19 shall not be required to convey to the Secretary any lands
20 other than those listed in subsection (a). The Secretary
21 shall accept quitclaim deeds from the University for these
22 lands.

23 **SEC. 4. JUDICIAL REVIEW.**

24 The University of Alaska may bring an appropriate
25 action, including an action in the nature of mandamus,

1 against the Secretary for violation of this Act or for review
2 of a final agency decision taken under this Act. An action
3 pursuant to this section may be brought in the United
4 States District Court for the District of Alaska within two
5 (2) years of the alleged violation or final agency decision.

6 **SEC. 6. STATE MATCHING GRANT.**

7 (a) Notwithstanding any other provision of law and
8 subject to valid existing rights, the University may, in ad-
9 dition to the grant made available in section 2, select up
10 to 250,000 acres of federal lands or interests in lands in
11 or adjacent to Alaska to be conveyed on an acre-for-acre
12 basis as a matching grant for any lands granted to the
13 University by the State of Alaska after the date of enact-
14 ment of this Act.

15 (b) Selections of lands or interests in lands pursuant
16 to this section shall be in parcels of 25,000 acres or great-
17 er.

18 (c) Grants made under this section shall be subject
19 to the terms and conditions applicable to grants made
20 under section 2 of this Act.

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