

Calendar No. 131

106TH CONGRESS
1ST SESSION

S. 744

[Report No. 106-61]

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

JUNE 2, 1999

Reported under authority of the order of the Senate of May 27, 1999, by Mr. MURKOWSKI, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

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,*

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

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

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

7 (2) under the Acts of March 4, 1915, 38 Stat.
8 1214, and January 21, 1929, 45 Stat. 1091, the
9 United States granted to the Territory of Alaska
10 certain federal land for the University of Alaska;

11 (3) the Territory was unable to receive most of
12 the land intended to be conveyed by the Act of
13 March 4, 1915, before repeal of that Act by sec.
14 6(k) of the Alaska Statehood Act (Public Law 85–
15 508, 72 Stat. 339);

16 (4) only one other state land grant college in
17 the United States has obtained a smaller land grant
18 from the federal government than the University of
19 Alaska has received, and all land grant colleges in
20 the western states of the United States have ob-
21 tained substantially larger land grants than the Uni-
22 versity of Alaska;

23 (5) an academically strong and financially se-
24 cure state university system is a cornerstone to the
25 long-term development of a stable population and to

1 a healthy, diverse economy and is in the national in-
2 terest;

3 (6) the national interest is served by transfer-
4 ring certain federal lands to the University of Alaska
5 which will be able to use and develop the resources
6 of such lands and by returning certain lands held by
7 the University of Alaska located within certain fed-
8 eral conservation system units to federal ownership;

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

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

17 (1) to fulfill the original commitment of Con-
18 gress to establish the University of Alaska as a land
19 grant university with holdings sufficient to facilitate
20 operation and maintenance of a university system
21 for the inhabitants of the State of Alaska; and

22 (2) to acquire from the University of Alaska
23 lands it holds within federal Parks, Wildlife Refuges,
24 and Wilderness areas.

1 **SEC. 2. LAND GRANT.**

2 (a) Notwithstanding any other provision of law and
3 subject to valid existing rights, the University of Alaska
4 (“University”) is entitled to select up to 250,000 acres
5 of federal lands or interest in lands in or adjacent to Alas-
6 ka as a grant. The Secretary of the Interior (“Secretary”)
7 shall promptly convey to the University federal lands se-
8 lected and approved in accordance with the provisions of
9 this Act.

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

18 (2) The University may select lands validly selected
19 but not conveyed to the State of Alaska or to a Native
20 Corporation organized pursuant to the Alaska Native
21 Claims Settlement Act (85 Stat. 688), except that these
22 lands or interests in lands may not be approved or con-
23 veyed to the University unless the State of Alaska or the
24 Native Corporation relinquishes its selection in writing.

25 (3) The University may not make selections within
26 a Conservation System Unit, as defined in the Alaska Na-

1 tional Interest Lands Conservation Act (16 U.S.C. 3101),
2 or in the Tongass National Forest except within lands
3 classified as LUD III or LUD IV by the United States
4 Forest Service and limited to areas of second growth tim-
5 ber where timber harvest occurred after January 1, 1952.

6 (4) The University may make selections within the
7 National Petroleum Reserve-Alaska (“NPRA”), except
8 that—

9 (A) no selection may be made within an area
10 withdrawn for village selection pursuant to section
11 11(a) of the Alaska Native Claims Settlement Act
12 for the Native villages of Atkasook, Barrow, Nuiqsit
13 and Wainwright;

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

17 (C) No selections may be made within those
18 portions of NPRA north of latitude 69 degrees
19 North in excess of 92,000 acres. Notwithstanding
20 any other provision of this Act, no selection may be
21 made within such area during the two year period
22 extending from the date of enactment of this act.
23 The Secretary shall attempt to conclude an agree-
24 ment with the University of Alaska and the State of
25 Alaska providing for sharing NPRA leasing revenues

1 within the two year period. If the Secretary con-
2 cludes such an agreement, he shall transmit it to the
3 Congress, and no selection may be made within such
4 area during the three year period extending from the
5 date of enactment of this Act. If legislation has not
6 been enacted within three years of the date of enact-
7 ment of this Act approving the agreement, the Uni-
8 versity of Alaska may make selections within such
9 area. An agreement shall provide for the University
10 of Alaska to receive a portion of annual revenues
11 from mineral leases within NPRA in lieu of any land
12 selections within NPRA north of latitude 69 degrees
13 North, but not to exceed ten percent of such reve-
14 nues or \$9 million annually, whichever is less.

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

21 (6) Within six months of the receipt of such a notice
22 the Secretary shall accept or reject the selection and shall
23 promptly notify the University of his decision, including
24 the reasons for any rejection. A selection that is not re-

1 jected within six months of notification to the Secretary
2 is approved without further action.

3 (7) The Secretary may reject a selection if the Sec-
4 retary finds that the selection would have a significant ad-
5 verse impact on ability of the Secretary to comply with
6 the land entitlement provisions of the Alaska Statehood
7 Act or the Alaska Native Claims Settlement Act. (43
8 U.S.C. 1601) or if the Secretary finds that the selection
9 would have a direct, significant and irreversable adverse
10 effect on a Conservation System Unit as defined in the
11 Alaska National Interest Conservation Act.

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

15 (9) An action taken pursuant to this Act is not a
16 major federal action within the meaning of section
17 102(2)(C) of Public Law 91–190 (83 Stat. 852, 853).

18 (c) The University may not select federal lands or in-
19 terest in lands reserved for military purposes or reserved
20 for the administration of a federal agency, unless the Sec-
21 retary of Defense or the head of the affected agency agrees
22 to relinquish the lands or interest in lands.

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

1 (e) Lands or interest in lands shall be segregated and
2 unavailable for selection by and conveyance to the State
3 of Alaska or a Native Corporation and shall not be other-
4 wise encumbered or disposed of by the United States
5 pending completion of the selection process.

6 (f) The University may enter selected lands on a non-
7 exclusive basis to assess the oil, gas, mineral and other
8 resource potential therein and to exercise due diligence re-
9 garding making a final selection. The University, and its
10 delegates or agents, shall be permitted to engage in assess-
11 ment techniques including, but not limited to, core drilling
12 to assess the metalliferous or other values, and surface
13 geological exploration and seismic exploration for oil and
14 gas, except that exploratory drilling of oil and gas wells
15 shall not be permitted.

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

1 terest in the lands or interest in lands shall vest in the
2 University.

3 (h) Lakes, rivers and streams contained within final
4 selections shall be meandered and lands submerged there-
5 under shall be conveyed in accordance with section 901
6 of the Alaska National Interest Lands Conservation Act
7 (94 Stat. 2371, 2430; 43 U.S.C. 1631).

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

11 (j) The Secretary of Agriculture and the heads of
12 other Federal departments and agencies shall take
13 promptly such actions as may be necessary to assist the
14 Secretary implementing this Act.

15 **SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF**
16 **ALASKA HOLDINGS.**

17 (a) As a condition to any grant provided by section
18 2 of this Act, the University shall convey to the Secretary
19 those lands listed in “The University of Alaska’s Inholding
20 Reconveyance Document” and dated ~~April 24, 1997~~. *May*
21 *17, 1999*.

22 (b) The University shall begin conveyance of the
23 lands described in subsection (a) upon approval of selected
24 lands and shall convey to the Secretary a percentage of
25 these lands approximately equal to that percentage of the

1 total grant represented by the approval. The University
2 shall not be required to convey to the Secretary any lands
3 other than those listed in subsection (a). The Secretary
4 shall accept quitclaim deeds from the University for these
5 lands.

6 **SEC. 4. JUDICIAL REVIEW.**

7 The University of Alaska may bring an appropriate
8 action, including an action in the nature of mandamus,
9 against the Secretary for violation of this Act or for review
10 of a final agency decision taken under this Act. An action
11 pursuant to this section may be brought in the United
12 States District Court for the District of Alaska within two
13 (2) years of the alleged violation or final agency decision.

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

15 (a) Notwithstanding any other provision of law and
16 subject to valid existing rights, the University may, in ad-
17 dition to the grant made available in section 2, select up
18 to 250,000 acres of federal lands or interests in lands in
19 or adjacent to Alaska to be conveyed on an acre-for-acre
20 basis as a matching grant for any lands granted to the
21 University by the State of Alaska after the date of enact-
22 ment of this Act.

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

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

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