

107TH CONGRESS  
2D SESSION

# S. 1816

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2002

Referred to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

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;

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

13              (3) the Territory did not receive most of the  
14              land intended to be conveyed by the Act of March  
15              4, 1915, before repeal of that Act by section 6(k) of  
16              the Alaska Statehood Act (Public Law 85–508, 72  
17              Stat. 339);

18              (4) only one other State land grant college in  
19              the United States has obtained a smaller land grant  
20              from the Federal Government than has the Univer-  
21              sity of Alaska, and all land grant colleges in the  
22              western States of the United States have obtained  
23              substantially larger land grants than has the Univer-  
24              sity of Alaska;

1           (5) an academically strong and financially se-  
2           cure state university system is a cornerstone to the  
3           long-term development of a stable population and to  
4           a healthy, diverse economy and is in the national in-  
5           terest;

6           (6) the Federal Government now desires to ac-  
7           quire certain lands for addendum to various con-  
8           servation units;

9           (7) the national interest is served by transfer-  
10          ring certain Federal lands to the University of Alas-  
11          ka which will be able to use and develop the re-  
12          sources of such lands and by returning certain lands  
13          held by the University of Alaska located within cer-  
14          tain Federal conservation system units to Federal  
15          ownership; and

16          (8) the University of Alaska holds valid legal  
17          title to and is responsible for management of lands  
18          transferred by the United States to the Territory  
19          and State of Alaska for the University and an ex-  
20          change of lands for lands that are capable of pro-  
21          ducing revenues to support the education objectives  
22          of the original grants is consistent with and in fur-  
23          therance of the purposes and terms of, and thus not  
24          in violation of, the Federal grant of such lands.

25          (b) PURPOSES.—The purposes of this Act are—

1           (1) to fulfill the original commitment of Con-  
2       gress to establish the University of Alaska as a land  
3       grant university with holdings sufficient to facilitate  
4       operation and maintenance of a university system  
5       for the inhabitants of the State of Alaska; and

6           (2) to acquire from the University of Alaska  
7       lands it holds within Federal parks, wildlife refuges,  
8       and wilderness areas to further the purposes for  
9       which those areas were established.

10 **SEC. 2. LAND GRANT.**

11       (a) Notwithstanding any other provision of law and  
12       subject to valid existing rights, the University of Alaska  
13       (“University”) is entitled to select up to 250,000 acres  
14       of Federal lands or interests in lands in or adjacent to  
15       Alaska as a land grant. The Secretary of the Interior  
16       (“Secretary”) shall promptly convey to the University the  
17       Federal lands selected and approved in accordance with  
18       the provisions of this Act.

19       (b)(1) Within forty-eight (48) months of the enact-  
20       ment of this Act, the University of Alaska may submit  
21       to the Secretary a description of lands or interests in lands  
22       for conveyance. The initial selection may be less than or  
23       exceed 250,000 acres and the University may add or de-  
24       lete lands or interests in lands, or until 250,000 patented  
25       acres have been conveyed pursuant to this Act, except that

1 the total of land selected and conveyed shall not exceed  
2 275,000 acres at any time.

3 (2) The University may select lands validly selected  
4 but not conveyed to the State of Alaska or to a Native  
5 Corporation organized pursuant to the Alaska Native  
6 Claims Settlement Act (85 Stat. 688), except that these  
7 lands or interests in lands may not be approved or convey  
8 to the University unless the State of Alaska or the Native  
9 Corporation relinquishes its selection in writing.

10 (3) The University may not make selections within  
11 a conservation system unit, as defined in the Alaska Na-  
12 tional Interest Lands Conservation Act (16 U.S.C. 3101),  
13 or in the Tongass National Forest except within lands  
14 classified as LUD III or LUD IV by the United States  
15 Forest Service and limited to areas of second growth tim-  
16 ber where timber harvest occurred after January 1, 1952.

17 (4) The University may make selections within the  
18 National Petroleum Reserve—Alaska (“NPRA”), except  
19 that—

20 (A) no selection may be made within an area  
21 withdrawn for village selection pursuant to section  
22 11(a) of the Alaska Native Claims Settlement Act  
23 for the Native villages of Atkasook, Barrow, Nuiqsit  
24 and Wainwright;

1           (B) no selection may be made in the Teshekpuk  
2       Lake Special Management Area as depicted on a  
3       map that is included in the final environmental im-  
4       pact statement for the Northeast NPRA dated Octo-  
5       ber 7, 1998; and

6           (C) No selections may be made within those  
7       portions of NPRA north of latitude 69 degrees  
8       North in excess of 92,000 acres and no selection  
9       may be made within such area during the two year  
10      period extending from the date of enactment of this  
11      Act. The Secretary shall attempt to conclude an  
12      agreement with the University of Alaska and the  
13      State of Alaska providing for sharing NPRA leasing  
14      revenues within the two year period. If the Secretary  
15      concludes such an agreement, the Secretary shall  
16      transmit it to the Congress, and no selection may be  
17      made within such area during the three year period  
18      extending from the date of enactment of this Act. If  
19      legislation has not been enacted within three years  
20      of the date of enactment of this Act approving the  
21      agreement, the University of Alaska may make selec-  
22      tions within such area. An agreement shall provide  
23      for the University of Alaska to receive a portion of  
24      annual revenues from mineral leases within NPRA  
25      in lieu of any lands selections within NPRA north

1 of latitude 69 degrees North, but not to exceed ten  
2 percent of such revenues or \$9 million annually,  
3 whichever is less.

4 (5) Within forty-five (45) days of receipt of a selec-  
5 tion, the Secretary shall publish notice of the selection in  
6 the Federal Register. The notice shall identify the lands  
7 or interest in lands included in the selection and provide  
8 for a period for public comment not to exceed sixty (60)  
9 days.

10 (6) Within six months of the receipt of such a selec-  
11 tion, the Secretary shall accept or reject the selection and  
12 shall promptly notify the University of his decision, includ-  
13 ing the reasons for any rejection. A selection that is not  
14 rejected within six months of notification to the Secretary  
15 is deemed approved.

16 (7) The Secretary may reject a selection if the Sec-  
17 retary finds that the selection would have a significant ad-  
18 verse impact on the ability of the Secretary to comply with  
19 the land entitlement provisions of the Alaska Statehood  
20 Act or the Alaska Native Claims Settlement Act (43  
21 U.S.C. 1601) or if the Secretary finds that the selection  
22 would have a direct, significant and irreversible adverse  
23 effect on a conservation system unit as defined in the Alas-  
24 ka National Interest Conservation Act.

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

4       (9) An action taken pursuant to this Act is not a  
5 major Federal action within the meaning of section  
6 102(2)(C) of Public Law 91–190 (83 Stat. 852, 853).

7       (c) The University may not select Federal lands or  
8 interests in lands reserved for military purposes or re-  
9 served for the administration of a Federal agency, unless  
10 the Secretary of Defense or the head of the affected agen-  
11 cy agrees to relinquish the lands or interest in lands.

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

14       (e) Lands or interests in lands shall be segregated  
15 and unavailable for selection by and conveyance to the  
16 State of Alaska or a Native Corporation and shall not be  
17 otherwise encumbered or disposed of by the United States  
18 pending completion of the selection process.

19       (f) The University may enter selected lands on a non-  
20 exclusive basis to assess the oil, gas, mineral and other  
21 resource potential therein and to exercise due diligence re-  
22 garding making a final selection. The University, and its  
23 delegates or agents, shall be permitted to engage in assess-  
24 ment techniques including, but not limited to, core drilling  
25 to assess the metalliferous or other values, and surface



1 geological exploration and seismic exploration for oil and  
2 gas, except that exploratory drilling of oil and gas wells  
3 shall not be permitted.

4 (g) Within one year of the Secretary's approval of  
5 a selection, the University may make a final decision  
6 whether to accept these lands or interests in lands and  
7 shall notify the Secretary of its decision. The Secretary  
8 shall publish notice of any such acceptance or rejection  
9 in the Federal Register within six months. If the Univer-  
10 sity has decided to accept the selection, effective on the  
11 date that the notice of such acceptance is published, all  
12 right, title, and interest of the United States in the de-  
13 scribed selection shall vest in the University.

14 (h) Lakes, rivers and streams contained within final  
15 selections shall be meandered and lands submerged there-  
16 under shall be conveyed in accordance with section 901  
17 of the Alaska National Interest Lands Conservation Act  
18 (94 Stat. 2371, 2430; 43 U.S.C. 1631).

19 (i) Upon completion of a survey of lands or interest  
20 in lands subject to an interim approval, the Secretary shall  
21 promptly issue patent to such lands or interests in lands.

22 (j) The Secretary of Agriculture and the heads of  
23 other Federal departments and agencies shall promptly  
24 take such actions as may be necessary to assist the Sec-  
25 retary in implementing this Act.

1 **SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF**  
2 **ALASKA HOLDINGS.**

3 (a) As a condition to any grant provided by section  
4 2 of this Act, the University shall begin to convey to the  
5 Secretary those lands listed in “The University of Alaska’s  
6 Inholding Reconveyance Document” and dated November  
7 13, 2001.

8 (b) The University shall begin conveyance of the  
9 lands described in section 3(a) of this Act upon approval  
10 of selected lands and shall convey to the Secretary a per-  
11 centage of these lands approximately equal to that per-  
12 centage of the total grant represented by the approval.  
13 The University shall not be required to convey to the Sec-  
14 retary any lands other than those referred to in section  
15 3(a) of this Act. The Secretary shall accept quitclaim  
16 deeds from the University for these lands.

17 **SEC. 4. JUDICIAL REVIEW.**

18 The University of Alaska may bring an appropriate  
19 action, including an action in the nature of mandamus,  
20 against the Department of the Interior, naming the Sec-  
21 retary, for violation of this Act or for review of a final  
22 agency decision taken under this Act. An action pursuant  
23 to this section may be filed in the United States District  
24 Court for the District of Alaska within two (2) years of  
25 the alleged violation or final agency decision and such  
26 court shall have exclusive jurisdiction over any such suit.

1 **SEC. 5. STATE MATCHING GRANT.**

2       (a) Notwithstanding any other provision of law and  
3 subject to valid existing rights, within forty-eight (48)  
4 months of receiving evidence of ownership from the State,  
5 the University may, in addition to the grant made avail-  
6 able in section 2 of this Act, select up to 250,000 acres  
7 of Federal lands or interests in lands in or adjacent to  
8 Alaska to be conveyed on an acre-for-acre basis as a  
9 matching grant for any lands received from the State of  
10 Alaska after the date of enactment of this Act.

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

14       (c) Grants made pursuant to this section shall be sep-  
15 arately subject to the terms and conditions applicable to  
16 grants made under section 2 of this Act.

Passed the Senate November 20 (legislative day No-  
vember 19), 2002.

Attest:

JERI THOMSON,  
*Secretary.*