

109TH CONGRESS
1ST SESSION

S. 293

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

FEBRUARY 3, 2005

Ms. 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 lands for the University of Alaska;

5 (3) the Territory did not receive most of the
6 land intended to be conveyed by the Act of March
7 4, 1915, before repeal of that Act by section 6(k) of
8 the Alaska Statehood Act (Public Law 85–508, 72
9 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 has the Univer-
13 sity of Alaska, and all land grant colleges in the
14 western States of the United States have obtained
15 substantially larger land grants than has the Univer-
16 sity 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 Federal Government now desires to ac-
23 quire certain lands for addendum to various con-
24 servation units;

1 (7) the national interest is served by transfer-
2 ring certain Federal lands to the University of Alas-
3 ka which will be able to use and develop the re-
4 sources of such lands and by returning certain lands
5 held by the University of Alaska located within cer-
6 tain Federal conservation system units to Federal
7 ownership; and

8 (8) the University of Alaska holds valid legal
9 title to and is responsible for management of lands
10 transferred by the United States to the Territory
11 and State of Alaska for the University and an ex-
12 change of lands for lands that are capable of pro-
13 ducing revenues to support the education objectives
14 of the original grants is consistent with and in fur-
15 therance of the purposes and terms of, and thus not
16 in violation of, the Federal grant of such lands.

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

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

23 (2) to acquire from the University of Alaska
24 lands it holds within Federal parks, wildlife refuges,

1 and wilderness areas to further the purposes for
2 which those areas were established.

3 **SEC. 2. LAND GRANT.**

4 (a) Notwithstanding any other provision of law and
5 subject to valid existing rights, the University of Alaska
6 (“University”) is entitled to select up to 250,000 acres
7 of Federal lands or interests in lands in or adjacent to
8 Alaska as a land grant. The Secretary of the Interior
9 (“Secretary”) shall promptly convey to the University the
10 Federal lands selected and approved in accordance with
11 the provisions of this Act.

12 (b)(1) Within forty-eight (48) months of the enact-
13 ment of this Act, the University of Alaska may submit
14 to the Secretary a description of lands or interests in lands
15 for conveyance. The initial selection may be less than or
16 exceed 250,000 acres and the University may add or de-
17 lete lands or interests in lands, or until 250,000 patented
18 acres have been conveyed pursuant to this Act, except that
19 the total of land selected and conveyed shall not exceed
20 275,000 areas at any time.

21 (2) The University may select lands validly selected
22 but not conveyed to the State of Alaska or to a Native
23 Corporation organized pursuant to the Alaska Native
24 Claims Settlement Act (85 Stat. 688), except that these
25 lands or interests in lands may not be approved or convey

1 to the University unless the State of Alaska or the Native
2 Corporation relinquishes its selection in writing.

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

10 (4) The University may make selections within the
11 National Petroleum Reserve—Alaska (“NPRA”), except
12 that—

13 (A) no selection may be made within an area
14 withdrawn for village selection pursuant to section
15 11(a) of the Alaska Native Claims Settlement Act
16 for the Native villages of Atkasook, Barrow, Nuiqsit
17 and Wainwright;

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

23 (C) No selections may be made within those
24 portions of NPRA north of latitude 69 degrees
25 North in excess of 92,000 acres and no selection

1 may be made within such area during the two year
2 period extending from the date of enactment of this
3 Act. The Secretary shall attempt to conclude an
4 agreement with the University of Alaska and the
5 State of Alaska providing for sharing NPRA leasing
6 revenues within the two year period. If the Secretary
7 concludes such an agreement, the Secretary shall
8 transmit it to the Congress, and no selection may be
9 made within such area during the three year period
10 extending from the date of enactment of this Act. If
11 legislation has not been enacted within three years
12 of the date of enactment of this Act approving the
13 agreement, the University of Alaska may make selec-
14 tions within such area. An agreement shall provide
15 for the University of Alaska to receive a portion of
16 annual revenues from mineral leases within NPRA
17 in lieu of any lands selections within NPRA north
18 of latitude 69 degrees North, but not to exceed ten
19 percent of such revenues or \$9 million annually,
20 whichever is less.

21 (5) Within forty-five (45) days of receipt of a selec-
22 tion, the Secretary shall publish notice of the selection in
23 the Federal Register. The notice shall identify the lands
24 or interest in lands included in the selection and provide

1 for a period for public comment not to exceed sixty (60)
2 days.

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

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

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

21 (9) An action taken pursuant to this Act is not a
22 major Federal action within the meaning of section
23 102(2)(C) of Public Law 91–190 (83 Stat. 852, 853).

24 (c) The University may not select Federal lands or
25 interests in lands reserved for military purposes or re-

1 served for the administration of a Federal agency, unless
2 the Secretary of Defense or the head of the affected agen-
3 cy agrees to relinquish the lands or interest in lands.

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

6 (e) Lands or interests in lands shall be segregated
7 and unavailable for selection by and conveyance to the
8 State of Alaska or a Native Corporation and shall not be
9 otherwise encumbered or disposed of by the United States
10 pending completion of the selection process.

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

21 (g) Within one year of the Secretary's approval of
22 a selection, the University may make a final decision
23 whether to accept these lands or interests in lands and
24 shall notify the Secretary of its decision. The Secretary
25 shall publish notice of any such acceptance or rejection

1 in the Federal Register within six months. If the Univer-
2 sity has decided to accept the selection, effective on the
3 date that the notice of such acceptance is published, all
4 right, title, and interest of the United States in the de-
5 scribed selection shall vest in the University.

6 (h) Lakes, rivers and streams contained within final
7 selections shall be meandered and lands submerged there-
8 under shall be conveyed in accordance with section 901
9 of the Alaska National Interest Lands Conservation Act
10 (94 Stat. 2371, 2430; 43 U.S.C. 1631).

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

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

18 **SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF**

19 **ALASKA HOLDINGS.**

20 (a) As a condition to any grant provided by section
21 2 of this Act, the University shall begin to convey to the
22 Secretary those lands listed in “The University of Alaska’s
23 Inholding Reconveyance Document” and dated November
24 13, 2001.

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

10 **SEC. 4. JUDICIAL REVIEW.**

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

20 **SEC. 5. STATE MATCHING GRANT.**

21 (a) Notwithstanding any other provision of law and
22 subject to valid existing rights, within forty-eight (48)
23 months of receiving evidence of ownership from the State,
24 the University may, in addition to the grant made avail-
25 able in section 2 of this Act, select up to 250,000 acres

1 of Federal lands or interests in lands in or adjacent to
2 Alaska to be conveyed on an acre-for-acre basis as a
3 matching grant for any lands received from the State of
4 Alaska after February 1, 2005.

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

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

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