

105TH CONGRESS  
1ST SESSION

# S. 660

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 1997

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

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## 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 (P.L. 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 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 and

4 (7) the University of Alaska holds valid legal  
5 title to and is responsible for management of lands  
6 transferred by the United States to the Territory  
7 and State of Alaska for the University and that an  
8 exchange of lands is consistent with and in further-  
9 ance of the purposes and terms of, and thus not in  
10 violation of, the Federal grant of such lands.

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

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

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

20 **SEC. 2. PRIMARY FEDERAL GRANT.**

21 (a) Notwithstanding any other provision of law, but  
22 subject to valid existing rights and the procedures set  
23 forth herein, the University is granted and entitled to take  
24 up to 250,000 acres of federal lands (or reserved interests  
25 in lands) in or adjacent to Alaska as a federal grant. The

1 University may identify and select the specific lands it in-  
2 tends to take pursuant to this grant, and the Secretary  
3 of the Interior (“Secretary”) shall promptly convey to the  
4 University the lands selected, in accordance with the provi-  
5 sions of this Act.

6 (b)(1) Within 48 months of enactment of this Act,  
7 the University of Alaska may submit to the Secretary a  
8 list of properties the University has tentatively selected to  
9 receive under the conditions of this grant. Such list may  
10 be submitted in whole or in part during this period and  
11 the University may make interim tentative selections that  
12 it may relinquish or change within the 48 month period.  
13 The University may submit tentative selections that ex-  
14 ceed the amount of the grant except that such selections  
15 shall not exceed 275,000 acres at any one time.

16 (2) All selections shall be in reasonably compact  
17 units: *Provided*, That the University may select small  
18 tracts of federal land within federal reservations consistent  
19 with the limitations in subsection (c) below.

20 (3) The University may submit tentative selections of  
21 federal lands validly selected but not conveyed to the State  
22 of Alaska or the corporations organized pursuant to the  
23 Alaska Native Claims Settlement Act: *Provided*, That such  
24 lands may not be approved or conveyed to the University

1 unless the State of Alaska and or the corporation has re-  
2 linquished its prior selection.

3 (4) The University shall make no selections within  
4 Conservation System Units as defined in the Alaska Na-  
5 tional Interest Lands Conservation Act (16 U.S.C. 3101).

6 (5) Within forty-five (45) days or receipt of a Univer-  
7 sity tentative selection, the Secretary shall publish notice  
8 of said selection in the Federal Register. Such notice shall  
9 identify lands included in the tentative selection and pro-  
10 vide for a period for public comment on the tentative selec-  
11 tion not to exceed sixty (60) days.

12 (6) Within six months of the receipt of a University  
13 tentative selection, the Secretary shall notify the Univer-  
14 sity of his acceptance or objection to each tentative selec-  
15 tion, including the reasons for any objection. Failure to  
16 object within six months shall constitute approval by the  
17 Secretary. Any public comments submitted in response to  
18 a public notice issued pursuant to paragraph (5) above  
19 may be considered by the Secretary: *Provided*, That the  
20 Secretary may object to tentative selections of the Univer-  
21 sity if and only if he demonstrates that a conveyance of  
22 such to the University—

23 (A) will have a significant adverse impact on  
24 the purposes for which a Conservation System Unit  
25 was established; or

1           (B) will have a significant adverse impact on  
2 fulfillment of the Alaska Statehood Act or the Alas-  
3 ka Native Claims Settlement Act. (43 U.S.C. 1601)

4           (7) The Secretary's acceptance of, or objection to,  
5 any tentative selections submitted by the University of  
6 Alaska pursuant to Section 2 of this Act or the conveyance  
7 of any such selections by tentative approval, patent or  
8 other instrument are not major federal actions within the  
9 means of section 102(2)(c) of P.L. 91-190.

10          (8) The Secretary shall publish notice of any decision  
11 to accept or object to a tentative selection in the Federal  
12 Register.

13          (c) The Secretary shall not approve or convey, under  
14 this grant,

15           (1) any federal lands which, at the time of en-  
16 actment of this Act, are included in a Conservation  
17 System Unit;

18           (2) any federal lands validly selected or top  
19 filed pursuant to § 906(e) of Public Law 96-487 but  
20 not conveyed to the State of Alaska or the corpora-  
21 tions pursuant to the Alaska Native Claims Settle-  
22 ment Act; or

23           (3) any federal lands withdrawn and actually  
24 used in connection with the administration of any  
25 federal installations and military reservations unless

1 the head of the land holding or occupying agency or  
2 entity agrees.

3 (d) If, following the Secretary's review of tentative  
4 selections by the University, the amount of acreage ap-  
5 proved by the Secretary for conveyance is less than the  
6 full primary grant, the University may select additional  
7 lands to satisfy the primary grant.

8 (e) Upon the University's tentative selection of  
9 land—

10 (1) Such land shall be segregated and unavail-  
11 able for selection by and conveyance to the State  
12 of Alaska or any corporation organized pursuant to  
13 the Alaska Native Claims Settlement Act and shall  
14 not be otherwise encumbered or disposed of by the  
15 United States pending completion of the selection  
16 process.

17 (2) The University shall possess the non-exclu-  
18 sive right to enter onto such lands for the purpose  
19 of—

20 (A) assessing the oil, gas, mineral and  
21 other resource potential therein. The Univer-  
22 sity, and its delegates or agents, shall be per-  
23 mitted to engage in assessment techniques in-  
24 cluding but not limited to core drilling to assess  
25 the metalliferous or other values, and surface

1 geological exploration and seismic exploration  
2 for oil and gas: *Provided*, That this paragraph  
3 shall not be construed as including or allowing  
4 exploratory drilling of oil and gas wells; and

5 (B) exercising due diligence regarding the  
6 making of a final selection.

7 (f) Within one year of the Secretary's approval of a  
8 tentative selection, the University may make therefrom a  
9 final selection pursuant to this Act. Within six months of  
10 such final selection by the University, the Secretary shall  
11 issue a tentative approval of such final selection. Such ten-  
12 tative approval shall be deemed to transfer to the Univer-  
13 sity all right, title, and interest of the United States in  
14 and to the described selection. Any lakes, rivers and  
15 streams contained within such selections shall be mean-  
16 dered and lands submerged thereunder conveyed in ac-  
17 cordance with 43 U.S.C. § 1631, as amended. Upon com-  
18 pletion of a survey of lands included within such tentative  
19 approval, the Secretary shall promptly issue patent to such  
20 lands. Pending issuance of a patent, the University shall  
21 have rights and authorities over tentatively approval lands  
22 consistent with those under the Alaska Statehood Act and  
23 the Alaska Native Claims Settlement Act, including the  
24 right to transfer, assign, exchange, grant, deed, lease or

1 otherwise convey any or all present or future interest in  
2 the lands granted pursuant to this Act.

3 (g) The Secretary of Agriculture, as well as the heads  
4 of other federal agencies, shall take such actions as may  
5 be necessary to facilitate and expedite the implementation  
6 of this Act by the Secretary of the Interior.

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

9 (a) As a condition to receiving the land grant pro-  
10 vided by Section 6 of this Act, the University of Alaska  
11 shall convey to the Secretary those lands listed in “The  
12 University of Alaska’s Inholding Reconveyance Docu-  
13 ment” and dated April 24, 1997.

14 (b) The University shall begin conveyance of the  
15 lands listed in (a) above upon taking title to lands it has  
16 selected pursuant to section 6 of this Act and shall convey  
17 to the Secretary a percentage amount of land proportional  
18 to that which it has received, but in no event shall it be  
19 required to convey any lands other than those listed in  
20 (a) above to the Secretary. The Secretary shall accept  
21 quitclaim deeds from the University for these lands.

22 **SEC. 4. ALIENATION OF LANDS**

23 Notwithstanding any other provision of law, the Uni-  
24 versity of Alaska may transfer, assign, exchange, grant,

1 deed, lease or otherwise convey any or all present future  
2 interests in the lands granted pursuant to this Act.

3 **SEC. 5. JUDICIAL REVIEW.**

4       The University of Alaska has the right to bring action  
5 for, including but not limited to, relief in the nature of  
6 mandamus, against the Secretary for violation of this Act  
7 or for review of an agency decision under this Act. Such  
8 an action can only be brought in the United States Dis-  
9 trict Court for the District of Alaska and within two (2)  
10 years of the alleged violation or the final decision-making.  
11 For all other entities or persons, decisions of the Secretary  
12 shall be final and conclusive.

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

14       (a) Notwithstanding any other provision of law, but  
15 subject to valid existing rights and the procedures set  
16 forth in this Act, the University is granted and shall be  
17 entitled to take, in addition to the primary grant provided  
18 for in Section 2 herein, up to another 250,000 acres in  
19 federal lands (or reserved interests in lands) in or adjacent  
20 to Alaska: *Provided*, That any additional acres are grant-  
21 ed, as specified below, on a matching acre-for-acre basis  
22 to the extent that the State of Alaska shall first grant  
23 to the University State-owned land in Alaska.

24       (b) The university may select and the Secretary shall  
25 convey lands which the University is entitled to receive

1 pursuant to this State Matching Grant Provisions in mini-  
2 mum increments of 25,000 acres up to the maximum of  
3 250,000 acres.

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