

107TH CONGRESS
2^D SESSION

S. 1816

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

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.