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#### REMEMBERING WILLIAM J. VAN NESS

Ms. MURKOWSKI. Mr. President, I have come to the floor to pay tribute to William J. Van Ness, an individual who was instrumental in the maturation and development of Alaska as a State and who passed away last November.

Bill's contributions to Alaska began in 1966 when he joined the staff of the Senate Committee on Interior and Insular Affairs, the predecessor to the Committee on Energy and Natural Resources, under the chairmanship of Senator Henry "Scoop" Jackson.

As special counsel and later chief counsel for the committee, Bill was one of the architects of the settlement of the aboriginal land claims of Alaska Natives, the Alaska Native Claims Settlement Act of 1971, as well as the Trans-Alaska Pipeline Act of 1973. The enactment of these foundational laws has enabled Alaska to achieve many of the promises of our statehood.

As an Alaskan, a Senator representing Alaska, and the current chairman of the Committee on Energy and Natural Resources, I was saddened to learn of Bill's passing, but am proud to help recognize his contributions to our state.

I ask unanimous consent to have printed in the RECORD an essay made possible by the Henry M. Jackson Foundation, which Bill served as president of from 1988 until 2008. The essay, which appeared on HistoryLink.org, highlights many of Bill's accomplishments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORYLINK: VAN NESS, WILLIAM J. "BILL" JR. (1938-2017)

Seattle attorney William J. "Bill" Van Ness Jr. worked under U.S. Senator Henry "Scoop" Jackson (1912-1983) from 1966 to 1977 on the U.S. Senate Committee on Interior and Insular Affairs. He served first as special counsel and then, beginning in 1970, as chief counsel. During his tenure he drafted several pieces of key environmental legislation that became law, including the Alaska Native Claims Settlement Act (ANCSA) and the National Environmental Policy Act (NEPA).

#### EARLY YEARS

Bill Van Ness Jr. was born on January 20, 1938, in Wolf Point, Montana, the son of William J. Van Ness and Mary Armyda Thomas. About 1942 the family moved to Port Orchard (Kitsap County), where his father took a job at the Bremerton Naval Yard. They stayed for three years in Port Orchard, then moved to Chimacum, Washington, (Jefferson County), a small, unincorporated community located about eight miles south of Port Townsend. Van Ness attended his early years of grade school in Port Townsend, and graduated from Chimacum High School in 1956.

He worked full time for a couple of years to pay for college, and graduated from Belingham's Western Washington State College

(now [2011] Western Washington University) in 1962 with a double major in English and Philosophy. After graduation Van Ness worked for a year, then went to law school at the University of Washington in Seattle, where he served as articles editor on the UW Law Review in his final year. In 1966 he graduated near the top of his class, and attracted the notice of some of his law professors, who ended up steering his career in a different direction than he was planning.

#### A DIFFERENT DIRECTION

Van Ness had a Sterling fellowship to go to Yale Law School, and his goal was to get a J.S.D. in Law and become a law professor. But he first needed to get a job to pay his college bills. He was thinking of staying in Seattle, but soon got a phone call that changed it all. Evidently one or more of his law professors had spotted the young graduate's potential and passed this information on to U.S. Senator Henry "Scoop" Jackson. Jackson had become chairman of the Senate's Committee on Interior and Insular Affairs (now the Committee on Energy and Natural Resources) in 1963, and now invited Van Ness to interview for a position as special counsel on the committee.

Van Ness wasn't a particular fan of politics and wasn't particularly interested in moving to Washington, D.C., either, but he needed a job, so he took the interview. He liked what he saw in Jackson, and described his first impressions in a June 2011 interview: "He was a hell of a nice man, with an open mind, and full of common sense" (Phil Dougherty interview). Jackson was likewise impressed, and offered Van Ness the job. He accepted and moved with his family to the other Washington in August 1966.

He found the issues and opportunities presented in his new position invigorating and challenging.

#### ALASKA NATIVE LAND CLAIMS

One of Van Ness's first assignments involved structuring a settlement of the long-standing Alaska Native land claims. He began his research in the autumn of 1966 and soon found that there was virtually no information on who the Alaska Natives were, what their claims were, or even how many Alaska Natives there were. Realizing that far more in-depth research was necessary, he got authority to commission the Federal Field Committee for Development Planning to do a study. This committee, which had been formed to deal with reconstruction in southern Alaska after the great Alaska earthquake of 1964, prepared a comprehensive 565-page report in 1968 titled "Alaska Natives and the Land," which addressed virtually all factual questions which could be asked about the Alaska Native issue.

That same year oil was discovered at Prudhoe Bay, Alaska, which made settling Alaska Native land claims more urgent. Thus the timing of the committee's report, completed late in 1968, couldn't have been better. It became the basis for hearings and eventually shaped legislation (which Van Ness drafted and Jackson introduced into the Senate) that became known as the Alaska Native Claims Settlement Act (ANCSA). Congress passed the act and it was signed by President Richard Nixon (1913-1994) in December 1971.

ANCSA was a wide-ranging act that paid \$962 million to Alaska Natives in exchange for their claims to many of their native lands. The act also transferred approximately 45 million acres of federal land to 12 regional and some 200 village corporations in the state (a 13th regional corporation was later set up in Seattle to handle claims of Alaska Natives no longer living in Alaska). These corporations were formed under the act to manage the lands and to create for-

profit business ventures. Since 1971 the Alaska Native corporations have become an important part of Alaska's economy and provide thousands of jobs to Alaskans as well as millions of dollars for scholarships and cultural programs. In 2009 total revenues for the dozen regional corporations in Alaska were more than \$7.2 billion.

#### NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

In 1967 Van Ness took on another project which eventually became the National Environmental Policy Act, more commonly known by its acronym NEPA. Environmental issues were coming to the forefront in 1960s America, but they were dealt with by multiple agencies with different priorities and approaches that often arrived at conflicting positions. Van Ness realized that there needed to be a process to identify all of the positions and then pinpoint the common goals to provide a basis for a better plan of action and better federal policy and decision-making.

Jackson, along with Representative John Dingell (b. 1926) of Michigan and others, had introduced legislation in Congress in 1966 to establish an environmental policy council. Van Ness took it a step further. In 1967 he prepared a memo to Jackson that argued the need for a comprehensive national environmental policy, pointing out that there might be one in the future in any event. He drafted legislation that eventually became Senate Bill (S.) 1075, the template for NEPA, and added that his draft was vetted by fellow committee member Daniel Dreyfus: "He had experience that I didn't have, and kept me grounded in reality. And he was a great critic" (Dougherty interview). In 1968 Van Ness helped draft an additional report that outlined the need for a uniform approach to national environmental policy. With this background in place, Jackson introduced S. 1075 in the Senate in February 1969.

The concept of the Environmental Impact Statement (EIS), now a key component of NEPA, was introduced in April 1969 during Senate hearings on the bill. The purpose of the EIS is to require federal agencies to provide analytic review of proposed major federal actions that would have a significant impact on the surrounding environment. The EIS must identify and address the environmental impact (particularly adverse environmental effects) of the proposed action and examine alternatives to it. Van Ness, assisted by Dreyfus, drafted the EIS requirement, which ultimately became Section 102 of NEPA. "Nobody seemed to pay much attention to it" [at the time], remarked Van Ness. "I wanted the EIS to be short enough to be easily read and understood by cabinet officers and other federal decision makers" (Dougherty interview).

The Senate passed S. 1075 in July and referred the bill to the House, which had conducted hearings earlier in the year on a similar bill introduced by Dingell. The House passed Dingell's bill (H.R. 12549) in September, after which the two bills went to a joint Senate-House committee to hammer out their differences. This was accomplished in December 1969, and the House and Senate both passed the final version of the act the week before Christmas. President Richard Nixon signed NEPA into law on January 1, 1970.

Today NEPA is regarded as a milestone in environmental legislation. It provides transparency and discipline for decision-making in a process that is open to the public. NEPA legislation has since been adopted by many states (including Washington state) as well as by other nations.

#### THE ALASKA PIPELINE AND ENERGY CONSERVATION

Van Ness took the lead in drafting two other significant acts that were enacted in

the 1970s: the Trans-Alaska Pipeline Authorization Act and the Energy Policy Conservation Act. The Trans-Alaska Pipeline Authorization Act resulted from the discovery of oil at Prudhoe Bay in 1968. There was plenty of oil but no reliable way to get it to the lower 48 states. Oil companies determined that the cheapest way would be to build a pipeline through Alaska from the Arctic Ocean to Valdez, where the oil could then be shipped south.

Environmentalists fiercely resisted construction of a pipeline through Alaska. It took the 1973 Arab oil embargo and resulting gas shortages to tip the scales in favor of legislation authorizing construction. "It's doubtful it would've passed if people weren't forced to sit in long gas lines," Van Ness observed (Dougherty interview). Even then the Senate deadlocked when the act came up for a vote, and it took a tie-breaker vote by Vice President Spiro Agnew (1918-1996) to break the deadlock. President Nixon signed the act in November 1973.

The Energy Policy and Conservation Act (EPCA), introduced by Senator Jackson in February 1975, was probably the least controversial of the four acts discussed in this essay, and "fairly straightforward," commented Van Ness (Dougherty interview). It passed the Senate in April, the House in September, and President Gerald Ford (1913-2006) signed it in December 1975. EPCA created the Strategic Petroleum Reserve, mandated automobile fuel economy standards, and extended oil price controls until 1979.

#### MOVING ON TO PRIVATE PRACTICE

By 1977, Van Ness had decided it was time for a change. He had actually considered leaving sooner: "I tried to leave numerous times to go practice law, but Scoop was very persuasive. He was a fun guy to work with—great instincts and a great mind. Every time I tried to leave he always persuaded me to stay two more years. The last time I sent him a memo and was pretty firm that it was time for me to move on" (Dougherty interview).

Van Ness established the firm of Van Ness, Feldman, Curtis and Sutcliffe in 1977, partnering with three other attorneys who had also worked as counsel or chief counsel to various committees in both the House and Senate. The firm specialized in handling energy, environmental, and transportation issues; one of its first clients was the Arctic Slope Regional Corporation. He also registered as a lobbyist, but this was not the central focus of the firm's work. "None of us [at the firm] wanted to be known as a lobbyist," he explained. "We wanted to be known as legislative craftsmen who know the process in the House and Senate and can achieve substantive results" (Dougherty interview). Curtis and Sutcliffe eventually moved on, but Howard Feldman remained with the firm, which became known as Van Ness Feldman.

In 1988 Van Ness returned to Seattle, opening an office of the firm in the Emerald City the following year. Also in 1988 he became president of the Henry M. Jackson Foundation, a position he held until 2008. The foundation, formed in 1983 after Jackson's sudden death, makes grants and develops initiatives in four areas reflecting issues that Jackson was involved in during his years in Congress: international affairs education, environmental and natural resource management, human rights, and public service. Since it was established, the foundation has committed more than \$22 million to nonprofit organizations and educational institutions in both the United States and Russia.

Van Ness also served on the Board of Directors for the University of Washington Medical School for nine years, during a time

that the U.S. Department of Justice brought litigation against the UW, alleging massive billing fraud in overbilling government insurance programs such as Medicare and Medicaid. In 2004 the UW and the Department of Justice agreed to a \$35 million settlement, but the story remained hot in the press. Later that year the UW Medicine Board named Van Ness head of a committee to review the weaknesses that led to the billing problems and to make recommendations to prevent a recurrence. "The committee's review was thorough, frank and, in some instances, scathing," reported *The Seattle Times* when the report came out in 2005. "But it put the issue to bed," concluded Van Ness (Dougherty interview).

Van Ness married Patricia "Pat" O'Meara (b. 1940) in 1959 and they had four children: Tamara, Keith, Douglas, and Justin. Into his seventies Van Ness went into his law office several days a week and worked from home as needed. When not working he enjoyed spending time at his beach cabin on Marrowstone Island in Jefferson County with his grandchildren, gardening, wood-carving, and fishing in Alaska. Bill Van Ness died on November 22, 2017, at age 79.

Mr. SULLIVAN. Mr. President, I join my colleague from Alaska today in honoring Bill Van Ness. Chairman MURKOWSKI has identified some of the significant contributions that Bill made to Alaska and Alaskans. I would like to focus specifically on one of those contributions, the Alaska Native Claims Settlement Act or ANCSA, and the role that law has played in improving the lives of Alaska's Native people. Through ANCSA, the State of Alaska, the Federal Government, and the Alaska Native community reached a settlement regarding aboriginal claims to lands and resources throughout the State. Alaska Natives set aside those claims in exchange for nearly \$1 billion and the right to select approximately 45 million acres of land.

Bill's creativity is evident in the manner in which ANCSA addressed the fundamental question of how to ensure that the thousands of individual Alaska Natives received their fair share of the settlement funds and lands. To answer that question, ANCSA authorized the creation of corporations, in which Alaska Natives are the sole shareholders, to receive the funds and hold title to the selected lands. For the most part, this corporate structure has proved to be very beneficial to the Alaska Native shareholders and to the State of Alaska.

In this regard, I point to the Arctic Slope Regional Corporation, ASRC, which is owned by Alaska Native people who have inhabited the North Slope of Alaska for thousands of years. With strong leadership from its shareholders, officers, and board members, ASRC has grown into a multibillion dollar enterprise that is Alaska's largest domestic company and that provides dividends to its nearly 13,000 Alaska Native shareholder, as well as many jobs to shareholders and other Alaskans. Bill Van Ness's contributions as an author of ANCSA and later as a private attorney representing ASRC were keys to ASRC's success story.

#### MESSAGE FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 219. An act to correct the Swan Lake hydroelectric project survey boundary and to provide for the conveyance of the remaining tract of land within the corrected survey boundary to the State of Alaska.

H.R. 772. An act to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

H.R. 4924. An act to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 102. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the 200th anniversary of the birth of Frederick Douglass.

H. Con. Res. 104. Concurrent resolution providing for a correction in the enrollment of H.R. 1892.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, with an amendment, in which it requests the concurrence of the Senate.

#### ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on today, February 7, 2018, he has signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 534. An act to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4924. An act to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, investigation, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.