

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.

### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

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.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 7, 2018, she had presented to the President of the United States the following enrolled bill:

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.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

\*Peter Hendrick Vrooman, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Nominee: Peter Hendrick Vrooman.  
Post: Kigali, Rwanda.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contribution, Amount, Date, and Donee:

1. Self: none.
2. Spouse: Johnette Stubbs: none.
3. Children and Spouses: Zarah Vrooman Hendrick Vrooman: none.
4. Parents: Sally Eaton Vrooman: none; David H. Vrooman, Jr.: deceased.
5. Grandparents: Dorothy Vrooman; David H. Vrooman, Sr.; Frances B. Eaton; Donald Eaton: all deceased.
6. Brothers and Spouses: (Jill Locke, sister-in-law): \$100, 9/2/2014, Claire Snyder Hall; Eric D. Vrooman: none; Bruce M. Vrooman: none.
7. Sisters and Spouses: n/a.

\*Eric M. Ueland, of Oregon, to be an Under Secretary of State (Management).

By Mr. BARRASSO for the Committee on Environment and Public Works.

\*Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-164. A joint resolution adopted by the Legislature of the State of Alaska making application to the United States Congress to

call a convention of the states to propose a countermand amendment to the United States Constitution as provided under Article V; and urging the legislatures of the other 49 states to make the same application; to the Committee on the Judiciary.

#### LEGISLATIVE RESOLVE NO. 49

Whereas, the state's sovereignty has been infringed on by the federal government, including by the federal government's recent denial of and refusal to work with state officials on the construction of a lifesaving road from King Cove to Cold Bay; and

Whereas, the state's right and duty to provide for the use, development, and conservation of natural resources for the maximum benefit of the people has been continually infringed on by various federal agencies; and

Whereas, the United States Congress has, at times, exceeded its delegated powers, the President of the United States has, at times, exceeded the constitutional authority of the office of the President of the United States, and the federal courts have, at times, exceeded their authority by issuing decisions on public policy matters reserved to the states in violation of the principles of federalism and separation of powers, all of which have adversely affected the state and its people; and

Whereas, under the authority of art. V, Constitution of the United States, the several states should apply to the United States Congress to call a convention of the states to amend the United States Constitution and adopt a countermand amendment to authorize the states, upon a vote of three-fifths of the state legislatures, to nullify and repeal a federal statute, executive order, judicial decision, regulatory decision by a federal government agency, or government mandate imposed on the states by law that adversely affects the interests of the states, in order to properly exercise the states' constitutional authority to check federal power, preserve state sovereignty, and protect the rights of the states and the people; and

Whereas, the states have the authority to define and limit the agenda of a convention to a single-issue "countermand amendment convention" called for by the states as provided under art. V, Constitution of the United States; and

Whereas, the delegates sent by the states to a countermand amendment convention shall have the limited authority to deliberate on and decide whether the countermand amendment, as preapproved by state legislatures, should be sent back to the state legislatures for ratification: Now, therefore, be it

*Resolved*, That, under art. V, Constitution of the United States, the Alaska State Legislature directs the United States Congress to call a single-issue convention of the states, called a "countermand amendment convention," for the sole purpose of deciding whether the proposed countermand amendment should be sent back to the state legislatures for ratification; and be it further

*Resolved*, That the Alaska State Legislature directs the United States Congress to convene the countermand amendment convention within 60 days after the date it receives the 34th call for that convention from state legislatures; and be it further

*Resolved*, That this application constitutes a continuing application in accordance with art. V, Constitution of the United States, until at least two-thirds of the legislatures of the several states have applied for a similar convention of the states; and be it further

*Resolved*, that the Alaska State Legislature urges the legislatures of the other 49 states to apply to the United States Congress to call a single-issue countermand amendment

convention of the states under art. V, Constitution of the United States.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice President of the United States and President of the U.S. Senate; the Honorable Paul D. Ryan, Speaker of the U.S. House of Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the Honorable Julie E. Adams, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and the presiding officers of the legislatures of each of the other 49 states.

POM-165. A resolution adopted by the Municipal Legislature of Anasco, Puerto Rico opposing the Fair Tax Act of 2017 (H.R. 25); to the Committee on Finance.

POM-166. A petition from a citizen of the State of Texas relative to term limits for Federal judges; to the Committee on the Judiciary.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1621. A bill to require the Federal Communications Commission to establish a methodology for the collection by the Commission of information about commercial mobile service and commercial mobile data service, and for other purposes (Rept. No. 115-206).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CAPITO (for herself, Ms. STABENOW, Mr. WICKER, and Mr. MENENDEZ):

S. 2387. A bill to provide better care and outcomes for Americans living with Alzheimer's disease and related dementias and their caregivers while accelerating progress toward prevention strategies, disease modifying treatments, and, ultimately, a cure; to the Committee on Finance.

By Mr. SANDERS (for himself, Ms. HARRIS, Mr. MARKEY, and Mrs. GILLIBRAND):

S. 2388. A bill to amend the Atomic Energy Act of 1954 to provide for consultation with State, tribal, and local governments, the consideration of State, tribal, and local concerns, and the approval of post-shutdown decommissioning activities reports by the Nuclear Regulatory Commission; to the Committee on Environment and Public Works.

By Mr. TOOMEY (for himself, Mr. COTTON, Mr. CORNYN, and Mr. CRUZ):

S. 2389. A bill to amend title 18, United States Code, to require the impaneling of a new jury if a jury fails to recommend by unanimous vote a sentence for conviction of a crime punishable by death; to the Committee on the Judiciary.

By Ms. DUCKWORTH (for herself, Ms. SMITH, Mrs. FEINSTEIN, and Mr. KAINE):

S. 2390. A bill to amend the Workforce Innovation and Opportunity Act to support