

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2657 SCOMM 119: HOUSE SPECIAL COMMITTEE WORLD TRADE. . . , 1999-2000

SCOMM

119:6

REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

MEMORANDUM

TO: Representative Ramona Barnes
Chair, House World Trade and State & Federal Relations

FROM: Representative Scott Ogan 

DATE: February 25, 1999

RE: Hearing Request for House Bill 109 Glacier Bay National Park

At your earliest convenience please schedule HB 109 for a hearing.

HB 109 adds Glacier Bay National Park to existing statute (AS 16.20.010) affirming the State of Alaska has not assented to federal control in this area.

Attachments.

SPONSOR STATEMENT

House Bill 109

"An Act relating to management of fish and game in Glacier Bay National Park and Preserve and navigable waters."

HB 109 adds Glacier Bay National Park to existing statute (AS 16.20.010) affirming the State of Alaska has not assented to federal control in that area.

The existing statute recognizes the state has jurisdiction over all fish and game within state boundaries except in those areas where it has assented to federal control.

HB 109 also adds a section to AS 16.20.010 which includes language from a U.S Supreme Court case, *New York v. United States (1992)*, "...the federal government cannot commandeer the lawmaking process of the states to compel the state to enact and enforce a federal regulatory program."

The new section further strengthens the state's position with language asserting the state may not expend funds to adopt, enforce, or otherwise assist in the implementation of the federal regulatory program for control of fish and game in the park.

Recent activity by the U.S. Department of Interior sparked the introduction of this bill. HB 109 affirms that the State of Alaska supports continuing traditional activities, such as commercial and subsistence fishing, in Glacier Bay National Park and Preserve.

Article 01. STATE GAME REFUGES

Sec. 16.20.010. Legislative recognition.

The legislature recognizes that

(1) the state has jurisdiction over all fish and game in the state except in those areas where it has assented to federal control;

(2) the state has not assented to federal control of fish and game in those areas which were set apart as National Bird and Wildlife Refuges while the state was a United States territory;

(3) special recognition of the value to the state and the nation of areas of unspoiled habitat and the game characteristic to it will be demonstrated by designating as state game refuges those federal lands which were National Bird and Wildlife Refuges or Ranges at the time that Alaska achieved statehood.

History -

(Sec. 1 ch 114 SLA 1960)

Collateral Refs -

38 C.J.S., Game, Sec. 7, 8, 15.

Article Notes -

Opinions of the Attoreny General. For a discussion of the authority of the Department of Natural Resources and

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 109

Revision Date (Note if correction) _____	Dept. Affected: <u>Fish and Game</u>
Title <u>Glacier Bay National Park</u>	BRU <u>Sport Fish</u>
	Component <u>Sport Fish</u>
Sponsor <u>Representative Ogan</u>	
Requester <u>House WTR</u>	Component Serial No. <u>464</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES (1002)	0.0	0.0	0.0	0.0	0.0	0.0
----------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Enactment of this bill will not affect the Division of Sport Fish therefore a zero fiscal note is being submitted.

Prepared by Kevin Delaney, Director
 Division Sport Fish
 Approved by Commissioner Gerard Bruce
 Agency Alaska Department of Fish and Game

Phone 465-4180
 Date 2/25/99
 Date 3/1/99

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 109

Revision Date/Time (Note if correction) _____	Dept. Affected <u>Fish and Game</u>
Title <u>GLACIER BAY NATIONAL PARK</u>	BRU <u>Commercial Fisheries</u>
Sponsor <u>Rep. Ogan</u>	Component <u>Southeast Region Fish Management</u>
Requester <u>House WTR</u>	Component Serial No. <u>2167</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by <u>Duffy, Acting Deputy Director <i>Karin C. Duffy</i></u>	Phone <u>465-6151</u>
Division <u>Division of Commercial Fisheries</u>	Date/Time <u>3/1/99 4:14 PM</u>
Approved by Commissioner <u>Frank Rue <i>Geon Bruce for</i></u>	Date <u>3/1/99</u>
Agency <u>Alaska Department of Fish and Game</u>	

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FISCAL NOTE

STATE OF ALASKA

BILL NO: HB109

1999 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
Title: An Act relating to management of fish and game BRU: Fish and Wildlife Protection
in Glacier Bay National Park and Preserve Component: Detachments
Sponsor: Representative Ogan,
Requestor: H. WORLD TRADE COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 99) impact: \$ -0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill is inconsistent with divisional objectives, but will not adversely impact the budget.

Prepared By: Lieutenant Howard R. Starbard Phone: 746-9107
Division: Fish and Wildlife Protection Date: February 26, 1999
Approved by Commissioner:  Date: 3-4-99
Agency: Ronald L. Otte, Department of Public Safety

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AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE OGAN

TO: HB 109

- 1 Page 2, line 13, following "preserve.":
- 2 Insert "This subsection does not prohibit an agency, employee, or agent of the state
- 3 from taking action necessary to protect life or property or from commenting on proposed
- 4 federal statutes or regulations."

Amend. passed
yes - 11X
Pass -
NO -

SCOMM

119:7

Alaska State Legislature

Interim Address:

119 N. Cushman, Suite 211

Fairbanks, AK 99701

(907)-456-5081

Fax# (907)-456-8245

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Session Contact:

(907)-465-3719

FAX# (907)-465-3258

Room 416

State Capitol

Juneau, AK 99801-1182

Representative John Coghill

Date: 03/08/99

To: Ramona Barnes, Chairman
World Trade, Federal & State Relations

From: Rynniewa W. Moss, Legislative Aide *RW Moss*

Re: Committee Hearing of HCR 2



Representative Coghill is requesting that HCR 2, "Relating to the sovereignty of the State of Alaska and the sovereign right of the State of Alaska to manage the natural resources of Alaska", be heard in the House Special Committee on World Trade, Federal & State Relations.

I have attached the sponsor statement and some back up information on the resolution.

Thank you for your assistance.

Interim Address:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245

Session Contact:
(907)-465-3719
FAX# (907)-465-3258

Room 416



Representative John Coghill

HCR 2 - Sovereignty of the State of Alaska **Sponsor Statement - March 8, 1999**

The recent debate over subsistence has become one fueled with a lot of emotion but must focus on the doctrines of law. To understand Alaska's dilemma, we must look at the history of the Congressional actions that brought us to this point and scrutinize the actions of Congress and the Department of Interior.

The Department of Interior, Clinton Administration, Congress, and the Knowles Administration insist on dividing Alaskans on equality and wildlife consumption issues. The real issue before us is one of State sovereignty and the federal governments continued denial of the State's basic constitutional standing, equal footing and public trust. ANILCA did not preempt nor diminish the State of Alaska's sovereign authorities over its own lands, water and resources. ANILCA did not specifically preempt state management nor grant specific authority to the secretaries of Agriculture and Interior to preempt state management of navigable waters, submerged lands, nor the resources therein.

Does two wrongs make a right? The answer is no.

The McDowell ruling concluded that "statutes granting preference to rural residents to take fish and game for subsistence purposes violates Alaska constitutional provisions prohibiting exclusive or special privileges in the taking of fish and wildlife." Because of that decision the Department of Interior and Congress want the Alaskan people to change their constitution to allow inequality (division by race) in the management and use of Alaska's fish and wildlife resources.

Putting an equal protection to a vote on the ballot would set a precedence of allowing fundamental rights to become vulnerable to politics and rhetoric. If the legislature passed a referendum for the ballot and the voters of Alaska approved a rural preference, it would be swiftly met with legal challenges because such a change to our Constitution would be unconstitutional under Article XIV of the U.S. Constitution.

HCR 2 restates the historical events that gave the State of Alaska the responsibility for the management of Alaska's fish and wildlife resources. It also challenges the Department of Interior to agree to allow the United States Supreme Court decide who will manage Alaska's resources.

Representative_John_Coghill@LEGIS.state.ak.us

HCR 2 - Short History

Public Law 85-508 - Alaska Statehood Act (July, 1958):

Section 1: Upon proclamation by the President as provided in Section 8(c) of Act Alaska is **admitted into the Union on an equal footing with the other States in all respects whatsoever.**

Section 6 (e): once the Secretary of Interior has certified to Congress that the State of Alaska can administer, manage, and conserve fish and wildlife resources in Alaska, the U.S. government **transfers and conveys to State of Alaska all real and personal property of the United States situated in the Territory which is used for the sole purpose and protection of the fisheries and wildlife in Alaska**

Section 7(m): provides that **the Submerged Lands Act of 1953 shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States.**

Section 8 (c): provides that by proclamation of the President, **Alaska shall be admitted on an equal footing** as provided in Section 1.

On January 3, 1959, President Eisenhower signed the proclamation, Presidential Proclamation No. 3269 with the following language: **admission of the State of Alaska into the Union on an equal footing with the other States of the Union is now accomplished.**

Public Law 86-70 - The Alaska Omnibus Act (June 25, 1959)

Section 45(a) Allows the President, at his discretion, to **transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States for a function that has been terminated by the federal government and assumed by the State of Alaska.**

- Alaska adopted a comprehensive fish and game code on April 17, 1959;
- The Secretary of Interior certified to Congress on April 27, 1959 that the Alaska State Legislature has made adequate provisions for the administration, management, and conservation of such resources in the broad national interest.

- President signed Executive Order No. 10857 terminating federal management of fish and wildlife in Alaska and transferring ownership of that function to the state of Alaska.

1953 Submerged Lands Act - Section 1311, Rights of States

This Act is a **quitclaim** title transfer under, of federal authority and ownership to the States of:

- Lands beneath navigable waters within the boundaries of the respective States and the natural resources within such lands and waters;

Note: Alaska owns its navigable waters, submerged lands and the fish that swim in those waters.

- The right and power to manage, administer, lease, develop, and use the said lands and natural resources in accordance with State law

Note: Management of those resources is subject to State (not Federal) law.

Equal Footing Doctrine -

The Equal Footing Doctrine brought the 37 new States, including Alaska, into the Union as equals with the original 13 states. The federal government explicitly specified this is both the Alaska Statehood Act and Presidential Proclamation No. 3269.

In 1997, in U.S. v. Alaska, 521 U.S. 1 (1997), also known as (**Dinkhum Sands**), the Court ruled that title to public assets passed from the federal government to Alaska throughout the equal footing doctrine is an essential element of sovereignty.

Dinkhum was upheld by the Supreme Court in Printz v. U.S., 117 S.Ct. 2365 (1997). In **Printz** the Court held that State legislatures are not subject to federal direction.

Note: Ownership of submerged land - which carries with it the power to control navigation, fishing, and other public uses of water - is essential property of [State] sovereignty.

Dual sovereignty - Tenth Amendment

In New York v. U.S., 505 U.S. 144 (1992), the Supreme Court held that the Tenth Amendment to the U.S. Constitution provides that powers not specifically delegated to the U.S. by the Constitution are reserved to the states respectively.

The Court further addressed **dual sovereignty** by holding that "the framers explicitly chose a constitution that confers upon Congress the power to regulate individuals, not state."

Property Clause - reads:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."

The federal government claims this clause gives Congress limited power over the administration of public lands. This is **the argument the federal government is using** to allow Congress to Grant the Secretary of Interior the power to **allocate wildlife harvest** on Federal lands and to **allocate fish harvest in certain (if not all) of Alaska's navigable waters** simply by passing an act authorizing those actions.

In Kansas v. Colorado, 206 U.S. 46 (1907), the U.S. Government claimed that the Property Clause gave Congress power beyond those powers in Article I, Section 8 of the Constitution when it came to federal lands. The Court held that **the 10th Amendment constrains Congress, even when Congress acts under the Property Clause and that Congress can not act outside the enumerated powers granted by Article 1, Section 8 of the U.S. Constitution.**

In Kleppe v. New Mexico, 426 U.S. 529 (1976), the Court held that:

"Unquestionably, the States have broad trustee and police powers over wild animals within their jurisdictions...No doubt it is true that as between a State and its inhabitants the State may regulate the killing... of [wildlife]."

Public Trust Doctrine -

This doctrine provides that:

- **Public trust lands, waters, and living resources in a State are held by the State in trust** for the benefit of all people;
- The public has a right to fully enjoy public trust lands, waters and living resources for a wide variety of uses.
- **Has been used and upheld by the U.S. Supreme Court, the lower Federal Courts and State Courts since the earliest days of this Nation.**

Representative Gail Phillips
State Capital
Juneau AK

5/5/99

Dear Representative Phillips,

I appreciate the attention you have given to the idea of a "Take A Kid Hunting Weekend" for the state of Alaska. It can not be denied that hunting is an important part of our heritage and lifestyle here in Alaska. It is crucial to meeting the management goals and strategies set forth by the Department of Fish and Game to provide for sustained yield of fish and game resources. You must be aware that hunter's numbers are declining nationwide and particularly in Alaska. Only an estimated ten- percent or less of our U.S. population hunts. A large portion of our wildlife conservation funding comes through Pittman-Robertson Act money. This money is collected through a Federal excise tax that hunters pay when they purchase firearms and ammunition. As hunter numbers continue to decline, so will revenue for wildlife conservation. This does not bode well for the future of our hunting heritage.

I feel it is vitally important that we actively recruit and mentor our kids in our hunting heritage. I am a volunteer hunter education instructor that believes it is better to hunt with your kids than to hunt for them. In the last statewide election, the youth of Alaska voted in their mock election, "The Kid's Vote", to pass Ballot Initiative Nine. Ballot Initiative Nine would have disallowed the use of snares for the taking of wolves. It was because of that mock vote that I became aware of the turning tide of opinion among the majority of our youth regarding wildlife management issues. Our Alaskan kids need to be taught the importance of hunting as part of our traditions, heritage and lifestyle. We owe it to them to teach them the important role hunting plays in wildlife management. Only then can they make informed choices. Many other states encourage the mentoring and education of their youth through an annual event such as "Take a Kid Hunting Weekend." I feel we, as Alaskans, deserve the same. Once again, thank you for your support.

Sincerely,
L. L. Lewis
Larry L. Lewis
PO Box 403
Kasilof AK 99610
262-9368 work
262-1370 home

Alaska State Legislature

Interim:
119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907) 456-5081 - Phone
(907) 456-8245 - Fax



Session:
State Capitol, Room 416
Juneau, AK 99801
(907) 465-3719 - Phone
(907) 465-3258 - Fax

Representative John Coghill

WHEREAS ANALYSIS OF HCR 2

WHEREAS #1: Alaska has equal footing with all other states:

1. **Section 1 of The Alaska Statehood Act** *(Public Law 85-508 -July 7, 1958.) provides that Alaska was admitted into the Union on an equal footing with and with all the same rights and responsibilities as the other States. It says:

"[U]pon issuance of the proclamation required by section 8(c) of this Act, the State of Alaska is hereby declared - admitted into the Union on an equal footing with the other States in all respects whatever,..."

2. **Section 8(c) of The Alaska Statehood Act** provides that Alaska enters the Union with all the same rights as the original 13 States -as soon as the President issues his proclamation to that effect. It provides:

"Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act." (i.e. equal footing with the other States in all respects whatever).

3. **Presidential Proclamation No. 3269: President Eisenhower, January 3, 1959**
This Proclamation declared Alaska admitted into the United States as an equal with the other States of the Union. It says, in part:

"ADMISSION OF THE STATE OF ALASKA INTO THE UNION."

"I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby declare and proclaim that the procedural requirements imposed by the Congress on the State of Alaska to entitle that State to admission into the Union have been completed with in all respects and that admission into the Union on an equal footing with the other States of the Union is now accomplished."

WHEREAS #2:

- a. The Alaska statehood compact guarantees that Alaska has exclusive authority to manage its fish and wildlife resources.

1. Alaska Statehood Act (July 7, 1958) Public Law 85-508:

Section 6 (e): "once the Secretary of Interior has certified to Congress that the State of Alaska can administer, manage, and conserve fish and wildlife resources in Alaska, the U.S. government **transfers and conveys to State of Alaska all real and personal property of the United States situated in the Territory which is used for the sole purpose and protection of the fisheries and wildlife in Alaska**"

2. The Alaska Omnibus Act (June 25, 1959) - Public Law 86-70:

Section 45(a) Allows the President, at his discretion, to **transfer** and convey to the State of Alaska, without reimbursement, **any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States for a function that has been terminated by the federal government and assumed by the State of Alaska.**

- Alaska adopted a comprehensive fish and game code on April 17, 1959;
- The Secretary of Interior certified to Congress on April 27, 1959 that the Alaska State Legislature has made adequate provisions for the administration, management, and conservation of such resources in the broad national interest.
- President signed Executive Order No. 10857 terminating federal management of fish and wildlife in Alaska and transferring ownership of that function to the state of Alaska.

3. Executive Order No. 10857, signed by President Eisenhower, effective December 29, 1959.

This Executive Order **terminated Federal management of fish and wildlife** and in effect quitclaimed any interest owned or held by the Federal Government in fish and wildlife in Alaska effective December 31, 1959. It reads, in part:

"TERMINATION OF FEDERAL FUNCTIONS IN ALASKA AND TRANSFER OF PROPERTY HELD BY UNITED STATES."

WHEREAS section 6(e) of the act of July 7, 1958 as amended provides that the administration and management of the fish and wildlife resources of Alaska shall be transferred to the State of Alaska on the first day of the

first calendar year following expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of such resources in the broad national interest; and

WHEREAS the Secretary of the Interior made such certification to the Congress on April 27, 1959; and

WHEREAS section 45(a) of the Alaska Omnibus Act provides that if the President determines that any function performed by the Federal Government has been terminated by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with such function; and

WHEREAS it appears that it would be in the public interest to delegate to the Secretary of the Interior, to the extent hereunder indicated, the authority vested in the President by section 45(a) of the Alaska Omnibus Act:

NOW THEREFORE, by virtue of the authority vested in me by section 45(a) of the Alaska Omnibus Act - and section 301 of title 3 of the United States Code, as the President of the United States, it is ordered as follows:

Section 1. It is hereby determined that the functions performed by the United States in Alaska pursuant to the Alaska game law of July 1, 1943 the act of June 26, 1906 and act of June 6, 1924 and the acts amending or supplementing such acts, will terminate on December 31, 1959, and that the same functions or substantially the same functions will be assumed by the State of Alaska.

Section 2. There is hereby delegated to the Secretary of the Interior, effective January 1, 1960, the authority vested in the President by section 45(a) of the Alaska Omnibus Act to transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with the functions described in section 1 hereof.

4. The U.S. Supreme Court recognized this in *Metlakatla Indians v. Egan*, 369 U.S. 45, (1962):

"On April 17, 1959, Alaska adopted a comprehensive fish and game code and "received full control over her resources soon afterward." (Federal

control was terminated and full control was transferred to Alaska by Presidential Executive Order No. 10857.)

b. Alaska Statehood Compact guarantees that all submerged lands and fish are exclusive property of the State of Alaska.

1. **Section 7(m) of the Alaska Statehood Act** includes Alaska as a beneficiary to the Submerged Lands Act of 1953 -with identical rights as all other States. It provides:

"The Submerged Lands Act of 1953 - shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder."

2. The Submerged Lands Act is a quitclaim of Federal authority or ownership and provides that, like all other States, Alaska owns its navigable waters, submerged lands and the fish that swim in those waters. It also provides that management of those resources is subject to State (not Federal) law. It says:

§ 1311. Rights of States (a) Confirmation and establishment of title and ownership of lands and resources; management, administration, leasing, development, and use. It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States in which the land is located .

Executive Order 10857**DETERMINING THE TERMINATION OF CERTAIN FEDERAL FUNCTIONS IN ALASKA AND DELEGATING TO THE SECRETARY OF THE INTERIOR THE AUTHORITY OF THE PRESIDENT TO TRANSFER TO ALASKA PROPERTY OWNED OR HELD BY THE UNITED STATES IN CONNECTION WITH SUCH FUNCTIONS**

WHEREAS section 6(e) of the act of July 7, 1958, 72 Stat. 339, as amended, provides that the administration and management of the fish and wildlife resources of Alaska shall be transferred to the State of Alaska on the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of such resources in the broad national interest; and

WHEREAS the Secretary of the Interior made such certification to the Congress on April 27, 1959; and

WHEREAS section 45(a) of the Alaska Omnibus Act (73 Stat. 152) provides that if the President determines that any function performed by the Federal Government in Alaska has been terminated by the Federal Government and that performance of such function or substantially the same function has been or will be assumed by the State of Alaska, the President may, until July 1, 1964, in his discretion, transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the

United States in connection with such function; and

WHEREAS it appears that it would be in the public interest to delegate to the Secretary of the Interior, to the extent hereinafter indicated, the authority vested in the President by section 45(a) of the Alaska Omnibus Act;

NOW, THEREFORE, by virtue of the authority vested in me by section 45(a) of the Alaska Omnibus Act (73 Stat. 152) and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. It is hereby determined that the functions performed by the United States in Alaska pursuant to the Alaska game law of July 1, 1943, 57 Stat. 301, the act of June 26, 1906, 34 Stat. 478, the act of June 6, 1924, 43 Stat. 465, and the acts amending or supplementing such acts, will terminate on December 31, 1959, and that the same functions or substantially the same functions will be assumed by the State of Alaska.

Sec. 2. There is hereby delegated to the Secretary of the Interior, effective January 1, 1960, the authority vested in the President by section 45(a) of the Alaska Omnibus Act to transfer and convey to the State of Alaska, without reimbursement, any property or interest in property, real or personal, situated in Alaska which is owned or held by the United States in connection with the functions described in section 1 hereof.

Sec. 3. The Secretary of the Interior is hereby authorized to redelegate to (1) the Assistant Secretary for Fish and Wildlife, (2) the Commissioner of Fish and Wildlife, (3) the Directors of the Bureaus of Commercial Fisheries and

E. O. 10858

Title 3--Ti

Sport Fisheries and Wildlife, and (4) the Regional Directors, Alaska Region, of the Bureau of Commercial Fisheries and Sport Fisheries and Wildlife all or any part of the authority delegated to the Secretary of the Interior by section 2 hereof.

Sec. 4. All transfers and conveyances made under or pursuant to this order shall be made in accordance with such policies, conditions, and procedures as may be prescribed by the Secretary of the Interior.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

December 29, 1959.

Tony Knowles
Governor
P.O. Box 110001
Juneau, Alaska
99811-0001
NEWS RELEASE

State of Alaska
Office of the Governor



Bob King
Press Secretary
Claire Richardson
Deputy Press Secretary

907-465-3500
FAX: 907-465-3533

FOR IMMEDIATE RELEASE: March 4, 1999 99-042

STATE TO SUE INTERIOR DEPT. OVER GLACIER BAY FISHING

Knowles Asserts Claim to Submerged Lands within Park

Seeking to protect the rights of Alaska commercial and subsistence fishermen, the State of Alaska will file suit against the federal government to establish its ownership of the submerged lands underlying the marine waters of Glacier Bay National Park, Gov. Tony Knowles announced today.

"For years, Alaskans have worked hard to find a compromise solution to the Glacier Bay fishing issue," Knowles said. "Unfortunately, that good work did not resolve all the jurisdictional conflicts regarding ownership of these submerged lands and tidelands in Glacier Bay. Over the years, the Park Service has proposed and issued regulations restricting access and activities on these state-owned waters and recently demonstrated their intent to enforce these regulations affecting commercial fishermen. The state must now take this important step to resolve this disagreement between the state and the federal government."

Established by Presidential Proclamation in 1925, Glacier Bay National Monument was expanded in 1939 and expanded again and designated a national park in 1980. Since the original withdrawal that created the monument did not include submerged lands underlying navigable waters or tidelands, the state believes these lands were passed on to Alaska at statehood.

Regulatory conflicts between the state and the Park Service have increased in recent years, placing Alaska users in a difficult situation. The Park Service has refused to recognize state-authorized subsistence activities and has engaged in repeated attempts to restrict or eliminate commercial fisheries. These comparatively small-scale fisheries have taken place for 100 years and are managed conservatively and compatibly with the purposes and values of the park.

"I strongly support protection of the natural values of this magnificent National Park," Knowles said. "In fact, the record shows that State-managed fisheries have been, and continue to be, compatible with Park values. These fisheries are also important for the commercial and subsistence users of the region and the communities in which they live. We are not seeking increased activity in the Bay, but to protect the limited activity of Alaska families that work there. The recent boarding of commercial crab vessels in Glacier Bay demonstrates the seriousness of federal sanctions. The State's decision to sue is intended to bring a final and stable

resolution to the ongoing questions over ownership and management jurisdiction in Glacier Bay."

As required by federal law, the state today notified the Interior Department of its intent to sue over Glacier Bay and must wait 180 days, or until early fall, to file its lawsuit in federal court.

-30-

Broadcasters note: Video of today's news conference will be available at 3:30 pm on the Governor's window. Radio actualities are available by calling 1-800-478-5669 or (907) 465-5213.

Cases in 9th Circuit Court of Appeals

These seven cases have been stayed until October 1, 1999. The Department of Law lists each of these cases in their Natural Resources litigation.

In the brief description of the case, it is noted that each is "one of the jointly-managed ANILCA subsistence cases. These cases have been stayed until October 1, 1999, the date the federal subsistence fisheries regulations will take effect unless the Alaska legislature places a subsistence amendment on the ballot."

1. *State of Alaska v. Babbitt* plaintiffs allege that ANILCA requires the federal government to manage fisheries in navigable waters of Alaska.
2. *Stevens Village v. McVee and Rosier* plaintiffs filed suit against Federal Subsistence Board and ADF&G alleging they are being denied their federal subsistence priority within Game Management Unit 25(d) West. **Holland expressed no opinion on the question of whether the Secretaries of Interior or Agriculture themselves have the authority to regulate subsistence, but indicated that he would entertain further briefing on the issue.**

The parties agreed to stay the case while the Secretaries consider the petition.

3. *Native Village of Quinhagak v. United States* Plaintiffs seek declaratory and injunctive relief allowing the harvest of rainbow trout from the Kanetok and Goodnews Rivers for subsistence.

The parties agreed to stay proceedings pending final action on the proposed regulations extending federal subsistence program to navigable waters.

4. *Peratrovich v. United States* Plaintiffs contend that (1) federal government owns submerged lands within Tongass National Forest as a result of prestatehood withdrawal and (2) that the waters in question are "public lands" within the meaning of ANILCA, on a reserved water rights theory.

In 1997, the state intervened with a counterclaim that the state owns the lands beneath the marine waters of the Tongass. **The United States' motion for judgment on the pleadings was under advisement when the case was stayed.**

5. *Fish & Game Fund v. Alaska and United States* Commercial fishermen in Yukon and Kuskokwim Rivers challenge the False Pass fishery citing the Magnuson Act and ANILCA and seek to have Sec of Commerce or Interior take over management of commercial and subsistence fisheries in several management areas of the state. **Judge Holland had a motions to dismiss under advisement that was filed by the state and the feds when the case was stayed.**

6. ***Kluti Kaah v. Alaska*** Plaintiffs challenged state and federal regulations governing subsistence hunting of caribou in the Copper River. Case has been consolidated with ***Arctic Regional Council v. United States*** and stayed until October 1, 1999.
7. ***Arctic Regional Council v. United States*** challenged several federal regulations adopted by Federal Subsistence Board including failure of fed regs to extend to navigable waters and territorial seas.



alaska department of law / natural resources

Updated February 3, 1999

Significant Natural Resources Cases

The following is a summary of many of the active subsistence, statehood defense, and other significant lawsuits being handled by the Natural Resources Section of the Alaska Department of Law.

FEDERAL COURT CASES

1. State of Alaska v. Babbitt
2. Stevens Village v. McVee and Rosier
3. Native Village of Quinhagak v. United States
4. Peratrovich v. United States
5. Fish and Game Fund v. Alaska and United States
6. Kluti Kaah v. Alaska
7. Arctic Regional Council v. United States
8. State v. Harrison
9. Alaska v. United States
10. Confederated Tribes & Bands of the Yakama Indians, et al. v. Malcolm Baldrige
11. U.S. v. Washington
12. American Rivers, et al. v. Nat'l Marine Fisheries Service
13. State of Alaska v. United States - *expansion of submerged waters Act*
14. Seldovia v. CIRI, United States, and Alaska
15. Alaska v. United States and Bruce Babbitt
16. Hyak Mining Co. v. U.S.
17. British Columbia v. United States, Washington and Alaska
18. Harold Kalve v. Frank Rue

*Jointly managed ANILCA cases
that have been stayed until
October 1, 1999.*

STATE COURT CASES

1. Rutter v. Alaska Board of Fisheries
2. Native Village of Elim v. State
3. Kenaitze Indian Tribe v. State
4. Brady v. State
5. Wilhelmsen v. Walsh
6. Interior Airboat Ass'n v. State
7. Beluga Mining Co. v. State
8. O'Callaghan and Sweat v. State
9. Ellingstad v. State and University
10. Triem v. State, Dep't of Natural Resources
11. Aloha Lumber Company v. University of Alaska, Board of Regents, and the
Statewide
Office of Land Management, Wasser & Winter, Inc., and the State of Alaska

12. Kachemak Bay Conservation Society, et al. v. State, DNR
13. Kashwitna Farms, Inc., Harry and Consuelo Wassink v. State
14. Fish and Wildlife Enforcement Actions
15. State of Alaska v. Lanman

ADMINISTRATIVE PROCEEDINGS

1. In Re: Native Allotment Application of Donna Huff
2. In Re: Native Allotment Application of May J. Colberg
3. In re: Native Allotment Application of Alfred Bayou
4. In the Matter of: Alaska DNR and Carpenter Contracting, Inc.
5. FPA Enforcement Actions

FEDERAL COURT CASES

1. *State of Alaska v. Babbitt* (known as the *Katie John* case; United States District Court No. A90-484-CV (HRH) (Judge Holland); Ninth Cir. No. 94-35481; U.S. Supreme Court No. 95-1084; our file no. 223-91-0275; state's attorneys: Joanne Grace and Henry Wilson; plaintiffs' attorney: Heather Kendall of NARF; U.S.' attorneys: Dean Dunsmore and Elizabeth Ann Peterson). This is one of the jointly-managed ANILCA subsistence cases. These cases have been stayed until October 1, 1999, the date that federal subsistence fisheries regulations will take effect unless the Alaska legislature places a subsistence amendment on the ballot. The plaintiffs alleged that ANILCA requires the federal government to manage fisheries in navigable waters of Alaska, and accordingly, that the Federal Subsistence Board should take over management of the Copper River and authorize a subsistence fishery at Bazulnetas.

Both the District Court and the Ninth Circuit Court of Appeals agreed in part and held that the term "public lands" includes navigable waters in which the United States has reserved water rights. (Under the reserved water rights doctrine, when the United States withdraws land and reserves it for a federal purpose -- for example, a national park or wildlife refuge -- it also reserves by implication water rights necessary to fulfill the purposes of the reservation). The court remanded the case to the Departments of Interior and Agriculture to identify those waters. The state's petition to the U.S. Supreme Court asking it to review the Ninth Circuit decision was denied in 1996.

In January 1999, the departments of Interior and Agriculture published final regulations to assume management of subsistence fisheries. The regulations cover subsistence activities on all waters within or adjacent to the exterior boundaries of 34 identified federal areas, including national parks, refuges, preserves, monuments, wild and scenic rivers, and national forests (excluding the marine waters of the Tongass and Chugach National Forests). They also will extend the Federal Subsistence Board's management to some federal lands selected under the Alaska Native Claims Settlement Act or the Alaska Statehood Act until conveyed. In addition, the rules purport to confirm the Secretaries' authority to restrict or eliminate hunting, fishing, and trapping on state and private lands when these activities interfere with the subsistence priority on the public lands.

Congress included a plan to phase in the federal subsistence fisheries regulations in the

FY 99 Omnibus Appropriations Bill. A total of \$11 million has been appropriated to implement and enforce the federal fisheries regulations, but a moratorium has been placed on the expenditure of the funds, to give the Alaska legislature a further opportunity to amend the state constitution. If the legislature fails to place a subsistence amendment on the ballot by June 1, 1999, Interior will receive \$1 million to begin data gathering and implementation planning. If the legislature fails to place a subsistence amendment on the ballot by September 30, 1999, Interior and Agriculture will receive the balance of the \$11 million and the federal regulations will be implemented. However, if the legislature does place a subsistence amendment on the ballot, the federal regulations will not be implemented, and the state will receive the \$11 million for management. The plan also eliminates amendments to ANILCA which would have taken effect if the legislature had amended the state constitution under the moratorium provision in last year's budget bill.

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2. *Stevens Village v. McVee and Rosier* (United States District Court No. A92-567-CV (HRH) (Judge Holland); our file no. 221-93-0123; state's attorneys: Joanne Grace and Henry Wilson; plaintiffs' attorney: Carol Daniel; U.S.' attorneys: Bruce Landon and Dean Dunsmore). This is one of the jointly managed ANILCA cases that have been stayed until October 1, 1999, the date that federal subsistence fisheries regulations will take effect unless the Alaska legislature places a subsistence amendment on the ballot.

In 1992, plaintiffs filed suit against the Federal Subsistence Board (FSB) and ADF&G, alleging they are being denied their federal subsistence priority within Game Management Unit 25(D) West. Following denial of a TRO, the federal defendants moved for a voluntary remand to the FSB. On remand, the FSB changed its regulations to accommodate plaintiffs' requests for: an extension of the season; provisions allowing a permittee to designate another person to hunt on his or her behalf; and closing federal public lands in GMU 25D West to hunting by non-local residents. The parties filed cross-motions for summary judgment on the only remaining issue: whether the FSB has authority to regulate hunting on state-managed lands adjacent to federal lands in GMU 25D West to protect subsistence uses on "public lands" in GMU 25D West. Judge Holland has characterized this as the "where II" issue.

Judge Holland tentatively indicated in the stay order that the FSB lacks authority off "public lands" because the Secretaries of Interior and Agriculture did not grant such authority in the regulations establishing the FSB. Judge Holland expressed no opinion on the question of whether the Secretaries themselves have that authority, but indicated that he would entertain further briefing on the issue. Meanwhile, the Stevens Village plaintiffs and others submitted a rulemaking petition to the Secretaries of Agriculture and Interior, requesting that they extend the FSB's authority to state and private lands. The parties agreed to stay the case while the Secretaries considered the petition.

In January 1999, the Departments of Interior and Agriculture published final regulations that purport to confirm the Secretaries' authority to restrict or eliminate hunting, fishing, and trapping on state and private lands when these activities interfere with the subsistence priority on the public lands.

Congress included a plan to phase in the federal subsistence fisheries regulations in the FY 99 Omnibus Appropriations Bill. A total of \$11 million has been appropriated to implement and enforce the federal fisheries regulations, but a moratorium has been placed on the expenditure of the funds, to give the Alaska legislature a further opportunity to amend the state constitution. If the legislature fails to place a subsistence amendment on the ballot by June 1, 1999, Interior will receive \$1 million to begin data gathering and implementation planning. If the legislature fails to place a subsistence amendment on the ballot by September 30, 1999, Interior and Agriculture will receive the balance of the \$11 million and the federal regulations will be implemented. However, if the legislature does place a subsistence amendment on the ballot, the federal regulations will not be implemented, and the state will receive the \$11 million for management. The plan also eliminates amendments to ANILCA which would have taken effect if the legislature had amended the state constitution under the moratorium provision in last year's budget bill.

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3. *Native Village of Quinhagak v. United States* (United States District Court No. A93-023-CV (HRH) (Judge Holland); Ninth Cir. No. 93-35496; our file no. 221-93-0041; state's attorneys: Henry Wilson and Joanne Grace; plaintiffs' attorneys: Carol Daniel, John Starkey (AVCP); U.S.' Attorney: Dean Dunsmore). This is one of the jointly managed ANILCA cases that have been stayed until October 1, 1999, the date that federal subsistence fisheries regulations will take effect unless the Alaska legislature places a subsistence amendment on the ballot.

The plaintiffs (the villages of Quinhagak and Goodnews Bay, the AVCP, and individual Yup'ik Natives) seek declaratory and injunctive relief allowing the harvest of rainbow trout from the Kanektok and Goodnews Rivers for subsistence. The plaintiffs claim that navigable rivers are "public lands" for purposes of ANILCA, that the state has no subsistence jurisdiction over the waters of the Kanektok and Goodnews River systems, and that the federal government has the authority to regulate non-public lands and waters owned by the state when necessary to provide for subsistence uses. In September of 1994, the Ninth Circuit reversed Judge Holland's order denying the plaintiffs' motion for preliminary injunction. On remand, the court entered an order prohibiting the state and federal defendants from enforcing regulatory prohibitions on the subsistence harvest of rainbow trout while the case is pending. The plaintiffs were awarded partial attorneys fees incurred in connection with the motion for preliminary injunction and appeal.

The parties agreed to stay proceedings on the merits of the case pending final action on the proposed rulemaking that would extend the federal subsistence program to navigable waters in which the United States has a reserved water right.

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4. *Peratrovich v. United States* (United States District Court No. A92-734-CV (HRH) (Judge Holland); our file no. 221-93-0340; state's attorneys: Henry Wilson and Joanne Grace; plaintiffs' attorneys: Thomas Luebben and Richard Young of Albuquerque, New Mexico; U.S.' attorney: Dean Dunsmore). This is one of the jointly managed ANILCA cases. The case has been stayed pending further order of the court.

In an amended complaint filed on October 24, 1996, plaintiffs seek declaratory and injunctive relief requiring the Federal Subsistence Board (FSB) to issue a collective permit allowing the harvest of up to 366,000 pounds of herring roe on kelp (1000 pounds per individual for 366 applicants) from the marine waters of southeast Alaska as "customary trade." (The state "customary trade" regulation allows sale of up to 32 pounds of herring roe on kelp by an individual, and up to 158 pounds per household.) The FSB has taken the position that it lacks jurisdiction over the navigable waters where the harvest would occur.

Plaintiffs contend primarily that (1) the United States owns the submerged lands within the Tongass National Forest as a result of a prestatehood withdrawal, and (2) that the waters in question are "public lands" within the meaning of ANILCA, on a reserved water rights theory. On December 18, 1996, the United States moved for judgment on the pleadings, arguing that the case should be dismissed for failure to join the state as an indispensable party, and also on the grounds that the plaintiffs have not exhausted administrative remedies, and that the plaintiffs' remaining claims have been rejected by the Ninth Circuit in the Katie John decision.

In 1997, the state's motion to intervene and file a proposed counterclaim and answer to plaintiffs' amended complaint was granted. The state's counterclaim seeks, among other things, a declaration that the state owns the lands beneath the marine waters of the Tongass. The United States' motion for judgment on the pleadings was under advisement when the case was stayed.

5. *Fish and Game Fund v. Alaska and United States* (United States District Court No. A92-0443-CV (HRH) (Judge Holland); our file no. 221-92-0832; state's attorneys: Joanne Grace and Henry Wilson; plaintiff's attorneys: Edgar Paul Boyko; U.S. Attorney: Dean Dunsmore; intervenor attorneys: Mike Stanley and Marc Slonim). This is one of the jointly managed ANILCA cases that have been stayed until October 1, 1999, the date that federal subsistence fisheries regulations will take effect unless the Alaska legislature places a subsistence amendment on the ballot.

A coalition of commercial salmon fishermen in the Yukon and Kuskokwim Rivers challenge the Area M (False Pass) fishery also addressed in the Elim state court case. Plaintiffs raise various constitutional and statutory grounds, including violation of the Magnuson Act and Title VIII of ANILCA, and seek to have the Secretary of Commerce or Interior take over management of commercial and subsistence fisheries in Area M and in the Y-K region. A coalition consisting of the Peninsula Marketing Association, Concerned Area M Fishermen, Aleutians East Borough, and various Area M Native groups have intervened. The state, federal defendants, and intervenors have filed motions to dismiss plaintiffs' second amended complaint. Judge Holland had the matter under advisement when the case was stayed.

6. *Kluti Kaah v. Alaska* (United States District Court No. A90-004-CV (HRH) (Judge Holland); our file no. 221-90-0433; state's attorneys: Joanne Grace and Henry Wilson;

plaintiff's attorneys: Heather Kendall of the Native American Rights Fund (NARF) and Mike Walleri of Tanana Chiefs' Conference (TCC); U.S.' attorney: Dean Dunsmore). This is one of the jointly managed ANILCA cases that have been stayed until October 1, 1999, the date that federal subsistence fisheries regulations will take effect unless the Alaska legislature places a subsistence amendment on the ballot.

Plaintiffs and intervenors initially challenged state and federal regulations governing subsistence hunting of caribou in the Copper River basin. Plaintiffs claimed, among other things, that the federal regulations impermissibly fail to cover caribou located on state lands. This case has been consolidated with Arctic Regional Council v. United States. Kluti-Kaah filed an amended complaint which does not include any claims against the state. The court granted an unopposed motion by the federal government to dismiss TCC's claims against it and the court dismissed all of the claims against the state following an unopposed motion by the state.

7. Arctic Regional Council v. United States (United States District Court No. A90-419-CV (HRH) (Judge Holland); our file no. 221-90-0433; (state not a party, but case is consolidated with Kluti Kaah v. Alaska -- Joanne Grace and Henry Wilson, state's attorneys)). This is one of the jointly managed ANILCA cases that have been stayed until October 1, 1999, the date that federal subsistence fisheries regulations will take effect unless the Alaska legislature places a subsistence amendment on the ballot.

Plaintiffs challenge several aspects of regulations adopted by the Federal Subsistence Board including the failure of federal regulations to extend to navigable waters and territorial seas.

8. State v. Harrison (United States District Court No. A94-464-CV (HRH) (Judge Holland); our file no. 221-95-0270; state's attorneys: John Baker and Robert Nauheim; U.S.' attorneys: Ann Juliano and Bruce Landon; private defendants' attorney: none). This action involves the state's assertion of a right-of-way for the Chickaloon River Road across the Native allotment owned by members of the Harrison family, who claim that the allotment constitutes sovereign Indian country. The Harrisons have relied on Chickaloon's inclusion on the 1993 BIA list of tribes to claim immunity from Alaska law, including charges of obstructing lawful public use of the Chickaloon River Road. The United States moved to dismiss the state's original complaint, initially arguing that the Quiet Title Act, 28 U.S.C. § 2409a, forbids any judicial inquiry into the validity of the state's right-of-way to the extent that "trust or restricted Indian land" is implicated. We amended our complaint to seek a title adjudication under 25 U.S.C. § 357, the federal condemnation statute. The United States moved to dismiss a number of cross-claims brought by the Harrisons against it alleging that the United States breached its trust obligation to the Harrisons as Natives by not defending the Harrisons' alleged ownership of the road.

In February 1997, Judge Holland dismissed the Harrisons' cross-claims against the United States and in May 1998, the court dismissed the Harrisons' counterclaims against the state. In October 1998, Judge Holland issued an order granting the state

partial summary judgment on the state's claim of title to the road. Still to be addressed is the extent, if any, to which the current alignment of the road deviates from the original right-of-way. On January 25, 1999, the court issued an order allowing the Harrisons' most recent attorney, Santiago Juarez, to withdraw due to a conflict. Judge Holland also stayed the case through March 23, 1999, and set a deadline of April 23, 1999, by which the state is to file a motion for summary judgment on the remaining issues, regardless of whether the Harrisons have obtained substitute counsel.

9. *Alaska v. United States* [Kandik/Nation and Black Rivers] (United States District Court No. A93-437-CV (JKS) (Judge Singleton); Ninth Cir. No. 94-36176; our file no. 221-97-0298; state's attorney: Joanne Grace; U.S.' attorney: Dean Dunsmore; Doyon's attorney: Nathan Bergerbest). The state filed suit in November 1993, to quiet title to the beds of three rivers in northeast Alaska. The United States previously had determined that all three rivers were navigable at statehood, but claims it is not bound by these navigability determinations.

The United States moved to dismiss the case, arguing that the district court did not have jurisdiction because Alaska could not show that the United States actively claimed an interest in the submerged lands. The court agreed with the state that the mere possibility that the United States might own the riverbeds constituted a cloud on the state's title sufficient to trigger the waiver of sovereign immunity in the Quiet Title Act and denied the United States' motion. The United States appealed. The Ninth Circuit held that the United States did not have a right to appeal until the decision before the district court is final.

The district court directed the United States to answer the state's complaint. After the United States answered the complaint, the state moved for judgment on the pleadings based on the United States' failure to admit or deny the state's factual allegations of navigability. The district court granted the state's motion, and entered final judgment. The United States appealed to the Ninth Circuit, again raising the jurisdictional argument, among others. The case has been briefed and argued, and the court has the matter under consideration.

10. *Confederated Tribes & Bands of the Yakama Indian Nation, et. al v. Malcolm Baldrige* (U.S. District Court for the District of Washington; state's attorneys: Mike Stanley and Myles Conway). This case has been resolved by a long term agreement in the Pacific Salmon Treaty. However, the court retains jurisdiction over the controversy. For details, see this report dated April 8, 1997.

11. *U.S. v. Washington* (U.S. District Court for the Western District of Washington; state's attorney: Myles Conway). In *U.S. v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), aff'd, 520 F.2d 676 (9th Cir. 1975), Judge Boldt held that certain northwest Indian Tribes have a treaty fishing right to harvest 50 percent of the harvestable fish passing through recognized tribal fishing grounds. Under the continuing jurisdiction of

the federal court, the northwest tribes now seek a ruling that their treaty rights include salmon caught in southeast Alaska that would otherwise return to tribal fishing grounds.

In response to motions for summary judgment filed by the States of Alaska, Washington and Oregon, Judge Barbara Rothstein ruled that the tribes must first show changed circumstances under Fed. R. Civ. P. 60(b) before the court will revisit the treaty/non-treaty fish allocation created by District Court Judge Boldt in 1974. Only if the tribes can show a change in the equities since Judge Boldt's ruling will the court adjudicate whether portions of the southeast Alaska salmon catch should be included in the non-treaty share for purposes of the treaty/non-treaty allocation in the Pacific Northwest. Judge Rothstein reserved ruling on Alaska's legal arguments that the treaties cannot, as a matter of law, be interpreted to encompass the Alaska catch.

The parties conducted extensive discovery on the existence of changed circumstances in preparation for trial in 1997. Shortly before trial, the parties negotiated an Agreed Order to Stay the Proceedings, which Judge Rothstein signed. The Agreed Order originally stayed proceedings until December 14, 1998, to facilitate a new round of negotiations in the Pacific Salmon Treaty, which may provide a basis for settlement of this case. The stay has now been extended until December 14, 2000, and treaty negotiations continue.

12. *American Rivers, et al. v. Nat'l Marine Fisheries Service* (U.S. District Court, Portland, Oregon, case no. 96-384-MA; Ninth Cir. No. 97-36159, our file no. 221-96-0761; state's attorney: Henry Wilson). A coalition of environmental groups and commercial and sportfishing organizations challenged actions of the National Marine Fisheries Service, the United States Army Corps of Engineers, and the United States Bureau of Reclamation relating to the operation of the Federal Columbia River Power System (FCRPS) under the Endangered Species Act (ESA). Alaska was granted leave to participate as amicus curiae on the side of the plaintiffs. Alaska has an interest in the case because Columbia River salmon stocks, including threatened Snake River fall chinook, spend a portion of their lives in the marine waters off the coast of southeast Alaska, where they are incidentally harvested in commercial and sport fisheries. Hydropower operations that adversely affect Snake River salmon stocks adversely affect Alaska's interest in the use of salmon harvested in its waters as well.

Judge Marsh denied the plaintiffs' motions for summary judgment and entered final judgment in favor of the federal defendants. The plaintiffs appealed to the Ninth Circuit. Briefing is complete and oral argument was held in January 1999.

13. *State of Alaska v. United States* [PLO 82] (United States District Court, A87-450-CV (HRH); Ninth Circuit No. 98-80132; our file no. 221-98-0582; state's attorney: Joanne Grace; U.S.' attorney: Bruce Landon; Intervenor Arctic Slope Regional Corp. attorney: David Crosby). Following administrative proceedings, the state brought this action in 1987 to quiet title to the lands underlying inland navigable waters in an area withdrawn in 1943 by Public Land Order 82 (PLO 82). The U.S. Supreme Court

has held that title to submerged lands passes to new states at statehood as a matter of constitutional grace under the equal footing doctrine. At stake in this case is title to the lands underlying the navigable waters on 48 million acres. The United States maintains that the submerged lands within PLO 82 did not pass to the state because the area was reserved at statehood (the reservation was revoked in 1960). The state argues that the United States has not overcome the strong presumption against finding that Congress intended both to reserve the submerged lands and to defeat state title to them. Arctic Slope Regional Corporation intervened in the case because it claims an interest in the submerged lands as well.

On March 29, 1996, Judge Holland granted the state's motion for partial summary judgment, holding that the prestatehood withdrawal did not defeat the state's title to the submerged lands, which passed to the state under the equal footing doctrine. The United States has appealed the decision. Briefing has been completed, and oral argument was held on January 5, 1999.

14. *Seldovia v. CIRI, United States, and Alaska* (United States District Court No. A91-076 (Judge Singleton); our file no. 221-92-0067; state's attorney: Elizabeth Barry; Seldovia's attorney: R. Collin Middleton; CIRI's attorney: Mark Rindner; U.S.' attorney: Bruce Landon). Seldovia filed this suit seeking to overturn a portion of the 1976 Cook Inlet land exchange, known as the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area (T & C). Seldovia seeks land it selected under § 12(b) of ANCSA that was promised to the state in the T&C. The Interior Board of Land Appeals denied Seldovia's appeal of a decision to issue conveyance to the state and the district court upheld that denial. The district court also ruled against Seldovia on most of its breach of trust claims against CIRI. Seldovia moved to file a fourth amended complaint to clarify its remaining claims which could affect state interests. Seldovia, CIRI, and the other Cook Inlet Region villages also filed new suits against the U.S. challenging a related but distinct aspect of the T & C. In December 1998, the parties agreed to a settlement in which Seldovia dismissed all of its claims with prejudice.

15. *Alaska v. United States and Bruce Babbitt*, [RS 2477] (U.S. District Court No. F97-0009-CV (Judge Singleton); our file no. 221-97-0574; state's attorneys: Myles Conway, Rob Nauheim and Laura Bottger; U.S.' attorney: Bruce Landon). On March 26, 1997, the state filed a quiet title action in federal court seeking to adjudicate an R.S. 2477 route on the Harrison Creek-Portage Creek Trail. The state has obtained entry of default against the mining claimants with claims located on the trail. The state is moving forward with discovery against the federal defendants and is preparing for trial.

16. *Hyak Mining Co. v. U.S.*, [RS 2477] (U.S. District Ct. No. A96-0478-CV (HRH); our file no. 221-97-0707; state's attorney: Elizabeth Barry; plaintiff's attorney: Mary Nordale; U.S.' attorney: Bruce Landon). Hyak Mining Co. sued the United States to quiet title to the Jualin Mine Road in Berner's Bay in southeast Alaska. The state is not

TESTIMONY ON HCR NO. 2

Joanne Grace, Assistant Attorney General

April 26, 1999

My name is Joanne Grace. I am an Assistant Attorney General in the Natural Resources Section in Anchorage. Thank you for the opportunity to testify on HCR No. 2.

Presumably the committee understands that the Governor will not follow the resolution's suggestion to file an original action in the United States Supreme Court challenging the constitutionality of title VIII of ANILCA. The Governor has consistently stated since he took office that he does not believe litigation is the answer to Alaska's subsistence dilemma. Even in the unlikely event he were to change his mind, such a case would face insurmountable jurisdictional problems such as res judicata and the running of the statute of limitations. If the Legislature wishes to pass the resolution anyway, it might want to reconsider some of the resolution's supporting language.

Scott v. Sanford

I strongly urge this committee to eliminate the resolution's reference to *Scott v. Sanford*, for two reasons. First, the case does not support the resolution, as I will explain

in a minute, but more importantly, the drafters of this resolution have chosen a most inappropriate case for the Legislature to cite for any reason, presumably unintentionally. *Scott v. Sanford* is better known as the "Dred Scott case," a pre-Civil War action brought by a slave for his freedom. The case is widely considered to mark one of the low points in Supreme Court history, because the Court held that a slave is not a "person" or a "citizen" under the Constitution, and that Congress did not have authority to abolish slavery. The case was overruled by the Thirteenth Amendment in 1865. Aside from the fact that the case has no application today, its premise that the plaintiff was property rather than a citizen and its language about the unfairness to slave owners both are highly offensive in today's world. Again, I know that the drafters did not intend any offense and will want to take out this reference.

In any event, the case does not support the resolution. In making the statement cited by the resolution, the Court was considering whether Congress had authority to enact "the Missouri compromise," which prohibited slavery in the territories. The plaintiff argued that Congress had authority under the Property Clause of the Constitution, which states that "Congress shall have power to dispose of and to make all needful rules and regulations respecting the territory and other property belonging to the United States." The Court disagreed, holding that the Property Clause only gives Congress authority to dispose of federal land and property, not property that belongs to

citizens, the property in question being slaves. It was in this context that the Court made the gratuitous statement cited in the resolution, that Congress could not use the Property Clause to destroy or impair the civil rights of the citizens of the United States, or to establish inequalities amongst those citizens by creating privileges in one class and disenfranchisement of other classes, meaning that Congress could not use the Property Clause to prohibit some citizens to own slaves while permitting others to do so.

Therefore, the "holding" of *Scott* that the resolution references, is simply that the Property Clause does not give Congress authority to dispose of the property of citizens. This may have been noteworthy in 1856, but in 1999 nothing could be more obvious. It adds nothing to the resolution to include this case, but certainly will be considered objectionable by many people because of its subject matter.

United States v. New York & Printz v. United States

The resolution quotes language from the *New York* and *Printz* cases without explanation of how they might relate to title VIII of ANILCA. Both cases hold that the federal government may not compel the states to implement federal law. At issue in *New York* were the provisions of the Low-Level Radioactive Waste Policy Amendments Act of 1985, which required states either to enact legislation providing for the disposal of

radioactive waste generated within their borders, or to take title to, and possession of the waste--effectively requiring the states either to legislate pursuant to Congress's directions, or to implement an administrative solution. The Court concluded that Congress could not constitutionally require the states to do either. At the same time, the Court noted that it did not violate the Tenth Amendment for Congress to offer states the choice of regulating an activity according to federal standards or having state law pre-empted by federal regulation, and it cited title VIII of ANILCA as an example of such a law. Therefore, *New York* does not support the resolution's suggestion that title VIII is unconstitutional, but expressly finds it to be valid. *Printz* has a similar holding; in *Printz*, a county sheriff brought an action to declare the Brady Act unconstitutional as violative of the Tenth Amendment. The Supreme Court held that the Act's requirement that state officials conduct background checks on prospective handgun purchasers imposed an unconstitutional obligation on state officers to execute federal laws. The basis of both cases is that the federal government cannot compel states to implement federal law. The Department of Interior has not interpreted title VIII of ANILCA to require state implementation, however; it interprets title VIII to require federal implementation if state law does not grant the subsistence priority to rural residents. For this reason, the state does not have a Tenth Amendment claim.

United States v. Alaska

While the resolution is correct that the Supreme Court stated in *United States v. Alaska* that the Alaska Statehood Act expressly provides that the Submerged Lands Act applies to Alaska, that fact is self-evident. The fact that the Supreme Court took note of this is irrelevant to its application. The resolution would be clearer simply to state that the Alaska Statehood Act expressly incorporates the Submerged Lands Act. It is unclear, however, why the resolution links title to submerged lands to a constitutional challenge to title VIII of ANILCA. I am aware of no court precedent holding that the power to control fishing is an essential attribute of state sovereignty.

In summary, the cases the resolution cites do not support a constitutional challenge to title VIII of ANILCA. I particularly recommend that this committee eliminate the paragraph referring to the Dred Scott case, as I am sure the Legislature does not intend the offense that this citation will cause the public.

I am happy to answer any questions. Thank you.

SCOMM

119:8

Alaska State Legislature



Official Business
Phone: (907)465-2689
Fax: (907)465-3472

State Capitol
Room 411
Juneau, Alaska 99801-1182

Representative Gail Phillips

DATE: March 8, 1999

TO: REPRESENTATIVE RAMONA BARNES *Ramona*
CHAIR – HOUSE SPECIAL COMMITTEE ON WORLD
TRADE AND STATE/FEDERAL RELATIONS

FROM: REPRESENTATIVE GAIL PHILLIPS *Gail*

RE: Hearing request for HJR 14

Would you please schedule House Joint Resolution 14, relating to the National Museum of Women's History and the National Museum of Women's History Alaska Council.

I have attached a copy of HJR 14, my sponsor statement and additional material that I would appreciate your including in the committee members' files. Thank you for your earliest consideration of this request.

GP:jmj

Enc.



Official Business

MEMBER
Natural Resources
Committee

Alaska State Legislature

**Vice-Chair, Legislative Council
Chair, World Trade
And
State/Federal Relations**

REPRESENTATIVE
RAMONA L. BARNES
District 22

Anchorage
P.O. Box 103382
Anchorage, AK 99510
(907) 269-0100
Fax: (907) 269-0105

State Capitol
Juneau, AK 99801-1182
(907) 465-3438
Fax: (907) 465-4565

MEMORANDUM

TO: Members

**FROM: Representative Ramona Barnes, Chair
World Trade & State/Federal Relations**

DATE: April 27, 1999

SUBJECT: Joint Committee Meeting Announcement

A handwritten signature in cursive script, reading "Ramona Barnes", written over the "FROM" line of the memorandum.

The House Special Committee on Economic Development & Tourism will host a joint meeting with World Trade & State/Federal Relations and Fisheries for a special meeting on Wednesday, April 28, 1999 in Room 519. The EDT regular meeting will begin at 5p.m. while the joint meeting with World Trade and Fisheries will commence at 6 p.m.

The purpose of that portion of the meeting is to hear an update from officials with the Alaska Seafood Center in Anchorage which is nearing construction completion and has begun preparing for production.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 14

Revision Date: April 26, 1999
Title: National Museum/Women's History

Dept. Affected All State agencies

BRU _____

Component _____

Sponsor: Rep. Phillips

Requester: House World Trade & State/Federal Relations

Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES []

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There will be no fiscal impact on state agencies.

Prepared by Mark Rieble 

Phone 465-6643

Phone _____

Date April 26, 1999

The National Museum of Women's History

The National Museum of Women's History will preserve, display, and celebrate the rich, diverse heritage of women and bring it into the cultural mainstream. It will share with millions of American citizens and international visitors the compelling, but often untold, stories of women's traditional and nontraditional lives, contributions, and perspectives.

The Museum's exhibits will showcase the specific achievements women have made in every area of human endeavor and celebrate their contributions as wife, mother, sister, daughter, healer, teacher, scientist, artist, entrepreneur, and leader.

The Museum, located in Washington, DC, will:

- collect, document, study, and interpret women's history;
- distribute information and promote interest in women's history through seminars, research, the Cyber Museum, publications, and educational outreach programs;
- develop a repository of oral histories, films, and videos;
- distribute educational materials and resources;
- produce diverse programming to enhance the understanding of women's history and other issues of contemporary significance; and
- collaborate with other organizations, entities, and individuals engaged in similar purposes.

**Help Us Make the Museum
a Reality by 2003**

Board of Directors

President & Founder	Karen K. Staser
Vice President	Joan A. Meacham
Secretary	Ann E.W. Stone
Treasurer	Patricia Ghiglinio
Directors	Kay Cash-Smith
	Joan Wages

Board of Advisors

More than 150 experts are volunteering their time and talent to help design the Museum and its content. Through their committees, they will evaluate the need for specific exhibits and recommend the Museum's themes, content, and programs. The Advisory Board will expand to include individuals with talents that are needed at various stages in the Museum's development.

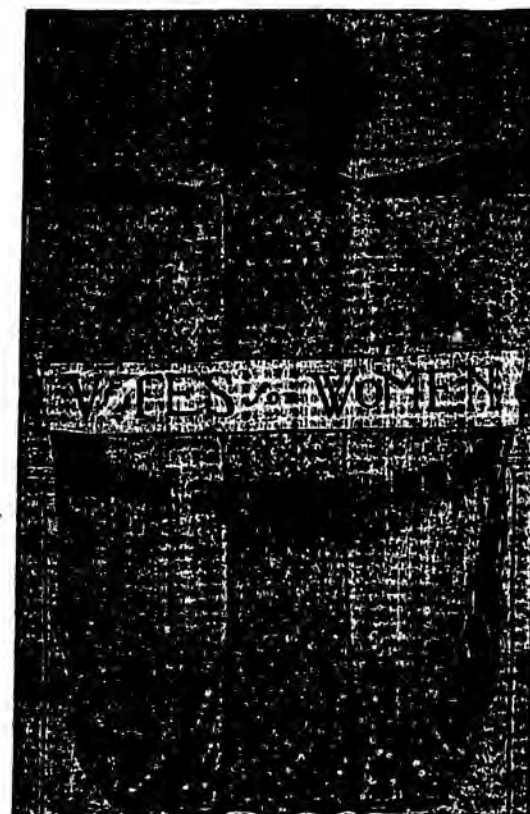
"Women must begin to see themselves as actors in the past, to gain strength and inspiration for our struggles in the present. History can be a powerful tool. Visibility in the past equals empowerment in the present and the future."

Edith P. Mayo, Curator Emeritus
NMWH Curatorial Consultant
National Museum of American History
Smithsonian Institution

The National Museum of Women's History, Inc.
Executive Offices
2760 Eisenhower Avenue, Suite 254
Alexandria, VA 22314
Tel: (703) 299-0552
Fax: (703) 299-0557

This brochure is dedicated
in loving memory of
JASON WILLIAM HOPKINS
September 4th, 1974 - July 2nd, 1997

The National Museum of Women's History



*Sharing Women's
Rich Cultural Heritage
with
Current and Future
Generations*

Ancient Heritage Modern Impact

Our self-perception derives from our experiences and from an awareness of previous generations' contributions to the arts, science, culture, business, education, and family life. This knowledge empowers a woman to reach her full potential and competence in her family, in the classroom, and in her career.

Unfortunately, accounts through the ages have underrated and misunderstood women's achievements and contributions. Less than two percent of the content in modern history texts addresses women's contributions to civilization. As a result, few Americans know about the accomplishments of women from ancient times to the modern day.

The National Museum of Women's History (NMWH) will showcase these achievements and help today's women and girls — and future generations — transcend traditional gender barriers and use their talents in whatever career or role they choose. It will also share with men and boys how generations of their female ancestors have shaped our nation and our lives. We will celebrate the many ways that women have contributed to the enrichment of our culture.

NMWH is the first and only national museum dedicated to women's history. We will showcase artifacts, association objects, paintings, statuary, diaries, and publications in a permanent collection and traveling exhibits. Americans across the nation will experience these treasures first hand through engaging exhibits and interactive, hands-on learning.

The Cyber Museum on the Internet will bring the Museum's message and contents into the home, classroom, and work place. Resource kits will help teachers and professors incorporate new information into their curricula. The Museum will serve 2.5 million visitors each year at its Washington, D.C. site and many millions more with its traveling exhibits, classroom programs, and web site.

Did You Know That ...

- In 1977 the Defense Department named its computer system *ADA* in honor of Ada Byron, who designed the punch card program for computers in 1843 and first formulated the *garbage in-garbage out* principle.
- Admiral Grace Murray Hopper created the basis of computer software by 1957 and helped develop COBOL.
- Gladys Hobby produced the first usable penicillin in the early 1940s.
- Dr. Lise Meitner discovered nuclear fission (splitting the atom) in 1938.
- Madame C.J. Walker, an African-American, became our first woman self-made millionaire by starting a cosmetics company. She was born towards the end of the Civil War.
- Ida Wells-Barnett, an influential African-American journalist and political activist, exposed lynching as an integral part of racial oppression. She analyzed how the fear of physical violence is used to maintain political and economic control.
- Harriet Tubman played a courageous role in the Underground Railroad and staunchly supported the rights and dignity of African-American women.
- Catherine Littlefield Greene partnered with Eli Whitney to invent the Cotton Gin. Greene then financed the patent and fabrication.
- In the matrilineal clan system of the Native American Iroquois, women wielded substantial political power. Thomas Jefferson credited the Iroquois concept of the relationship between states and a central federal

government as an inspiration to the founding fathers who created our system of government. Unfortunately, they left out participation by women.

- Aphra Behn, born in 1640, wrote the first novel, *Oroonoko*, 30 years before Daniel Defoe wrote *Robinson Crusoe* (generally credited as the first novel). She also wrote 17 plays in 17 years, which ran in London's only two theaters.
- Hildegard of Bingen, a 12th century philosopher, scientist, and composer, wrote two scientific texts. She analyzed the causes and treatment of 47 diseases and made astute observations about diabetes, the circulatory system, and women's reproductive health. Scholars only recently discovered her musical compositions. *The Washington Post* recently credited her as the world's first known composer.
- Christine de Pisan is the first known professional female writer. Celebrated in her day, she produced many fine works, some of which contained autobiographical details that were rare in the Medieval period. In *The Book of the City of Ladies* (1405), she compiled stories about past heroines — the first known effort to document women's history — and defended women's virtue and their contributions to the world.
- In the 11th century, Trotula of Salerno, Italy pioneered preventative health. Healers used her handwritten and printed texts for the next 700 years.
- Hypatia of Alexandria, Egypt — among the first world-renowned scientists — excelled in mathematics, astronomy, mechanics, and philosophy. Born in 370 AD, she invented the plane astrolabe that could solve problems in spherical astronomy. She wrote *Arithmetica*, a thirteen-volume definitive algebra text.

National Museum of Women's History

THE MUSEUM'S HISTORICAL MISSION

The National Museum of Women's History will provide, for the first time ever, the opportunity for U.S. citizens and foreign visitors to learn about the role women have played in the Americas, in the context of world history.

Its creative exhibits will document such great female historical figures as Hypatia, the Egyptian woman who pioneered the fields of mathematics and astronomy; Christine de Pisan, one of the earliest students of women's history and one of the first known professional female writers; Ida B. Wells, the African-American writer and activist who led the crusade against lynching in America; and Rachel Carson, a leader in the environmental movement whose book *Silent Spring* raised Americans' consciousness about the dangers of pesticides.

The Museum will address subjects of cultural importance which have not always been considered part of history. For example, before the 1970s, and before women entered the historical profession in significant numbers, such topics as marriage, child care, obstetrics, and housework were not considered historical subjects. Today, we understand them to be of critical importance to the development of world civilization.

Finally, the Museum will address conventional historical topics from new points of view. For example, at the NMWH young boys and girls will learn about the Middle Ages, the American Revolution, and the Civil Rights Movement from the perspective of how these historical events involved and affected women.

**Fact Sheet on National Museum of Women's History (NMWH)
and Requested Legislation
March 30, 1999**

- NMWH was created as a nonprofit bipartisan organization to bring women's experiences and contributions to the nation into the cultural mainstream. Women are missing from the historical record. For example, although 53% of our population is female, less than 2% of the content of current history textbooks addresses the rich and unique heritage of women, as do less than 5% of our national historic sites. In the Smithsonian, there are only two permanent exhibits on women while in the U.S. Capitol, only 12 of the 451 works of art honoring individuals are of women.
- NMWH requests legislation to authorize the transfer of the Auditors Building from the Forest Service to NMWH.
 1. The Auditor's Building is a government-owned, historic building not open to the general public. The Forest Service currently uses it for office space and does not fully reimburse the government for this use. The Forest Service has been recently downsized and could be housed elsewhere.
 2. The Auditors Building would be better utilized and protected as the home of the National Museum of Women's History. Under NMWH the building would be protected as an historic site and made accessible to the public. NMWH is and will be privately funded. In addition to renovation, NMWH would pay for maintenance and upkeep on the building, which is now an expense to GSA. See enclosure.
 3. Surveys indicate that women will play an even more decisive role in upcoming elections. Support for NMWH will be looked upon favorably by women.
- NMWH is supported by members of Congress and the White House:
 1. SR 706 and HR 1246 were introduced, on March 24, 1999, by Senator Olympia Snowe and Representative Carolyn Maloney. The legislation calls for a committee to select a federal site to house NMWH. It was initiated prior to the President's Commission's report:
The President's Commission on the Celebration of Women in American History issued a report on March 15, 1999 stating the need for NMWH in our nation's capital.
 2. 53 members of Congress serve on the NMWH Honorary Board of Trustees. See enclosure.
 3. Congressional spouses serving on the NMWH Board of Advisors include Nancy Murkowski, Tricia Lott, Linda Daschle, Jane Gephardt, Elaine Chao, and Franki Roberts.
- Rep. Gail Phillips has introduced HJR 14 in the Alaska Legislature in support of NMWH.
- NMWH has state councils in Alaska, Chicago, Los Angeles, New York, Phoenix, Texas, and the Washington Metro Area.
- A ten-page article on NMWH will be published in the May 1999 issue of FORBES Magazine. It will feature Alaskan businesswoman and NMWH Alaska Council member, Eleanor Andrews.
- NMWH has raised over \$10 million in pledges.
- NMWH initiated and paid for the movement of the Woman Suffrage Statue into the U.S. Capitol Rotunda. It honors the three leaders responsible for the largest single extension of democratic rights in our nation's history.
- NMWH's critically acclaimed exhibit, *Rights for Women*, opened at the World Financial Center in NYC in October 1998. Work is underway with corporate sponsors to travel the exhibit throughout the U.S. as part of the White House Millennium Project.
- NMWH commissioned a bronze bust of Sojourner Truth in honor of the 150th Anniversary of the first Woman's Rights Convention in Seneca Falls, where it has been on display since July 1998. Discussions with Congress are underway to donate this work of art to the U.S. Capitol.
- NMWH launched its CyberMuseum with BellAtlantic in September 1998 at the National Press Club.

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To create a National Museum of Women's History Advisory Committee. (Introduced in the House)

HR 1246 IH

106th CONGRESS

1st Session

H. R. 1246

To create a National Museum of Women's History Advisory Committee.

IN THE HOUSE OF REPRESENTATIVES

March 24, 1999

Mrs. MALONEY of New York (for herself, Ms. PRYCE of Ohio, Ms. NORTON, Mrs. ROUKEMA, Mr. ABERCROMBIE, Mr. ALLEN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CUMMINGS, Ms. DUNN, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Ms. MCKINNEY, Mr. FARR of California, Mr. FILNER, Mr. FROST, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. SHOWS, Ms. STABENOW, Mrs. THURMAN, Mr. TOWNS, Ms. VELAZQUEZ, Mr. VENTO, Mr. VISCLOSKY, Ms. WOOLSEY, Mr. WYNN, and Mr. GALLEGLY) introduced the following bill; which was referred to the Committee on Resources

A BILL

To create a National Museum of Women's History Advisory Committee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

whom--

(1) 1 member shall be appointed by the Speaker of the House of Representatives, from among the Members of the House of Representatives;

(2) 1 member shall be appointed by the Minority Leader of the House of Representatives, from among the Members of the House of Representatives;

(3) 1 member shall be appointed by the Majority Leader of the Senate, from among the Members of the Senate;

(4) 1 member shall be appointed by the Minority Leader of the Senate, from among the Members of the Senate;

(5) 5 members shall be appointed by the President of the National Museum of Women's History, Inc., from among the founding members of such Board or the members of such Board; and

(6) 12 members shall be appointed by the President of the National Museum of Women's History, Inc., in consultation with the Secretary of the Interior, from among private citizens who can contribute to the success of the Advisory Committee as determined by such President--

(A) at least 5 of whom shall be appointed after consultation with the Organization of American Historians, the American Studies Association, the American Historical Associations, the Women's Studies Association, the American Association of Museums, and other interested academic or professional organizations; and

(B) at least 2 of whom shall be appointed on the basis of their expertise in financial matters.

(d) **TIMELINE-** Members of the Advisory Committee shall be appointed not later than 30 days after the date of enactment of this Act.

(e) **LIMITATION-** Effective 30 days after the date of enactment of this Act, and notwithstanding subsections (a) through (d), the failure of an appointing authority to appoint a member under subsection (b), or under paragraph (1), (2), (3), or (4) of subsection (c), shall not affect the ability of the Advisory Committee to meet and carry out the functions of the Committee under this Act.

SEC. 4. DUTIES OF THE COMMISSION.

(a) **STUDY-** The Advisory Committee shall conduct a thorough study of all matters relating to--

(1) identifying and recommending a site for the National Museum of Women's History in Washington, District of Columbia;

(2) developing a business plan for the creation and maintenance of the National Museum of Women's History, which shall be funded solely through private contributions by the American people; and

CORRECTION

**THE FOLLOWING DOCUMENT(S)
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March 24, 1999

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A BILL

To create a National Museum of Women's History Advisory Committee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

- (1) A national institution in Washington, District of Columbia, the Nation's Capital, that is dedicated to the heritage of women does not exist.
- (2) In the 34-year period beginning with 1963, only 2 exhibits were authorized on women's history at the National Museum of American History.
- (3) Less than 5 percent of the Nation's 2,200 National Historic Landmarks are dedicated to women, and there are only 40 public outdoor statues of American women in our Nation.
- (4) The historic contributions of women to civilization and to our Nation have gone unnoted or are misunderstood, leaving a gap in our Nation's historical record.
- (5) Knowledge of one's heritage is critical in developing a personal sense of competence and potential.
- (6) Lack of appreciation for women's historic contributions leads to a lack of value, understanding, and respect for women and girls, and invites discrimination or violence against females.
- (7) A National Museum of Women's History is needed to profile the specific achievements that individual women have made to all aspects of human endeavor, and to explore and celebrate the contributions that women have made in their various roles in family and society.

SEC. 2. ADVISORY COMMITTEE.

There is established an advisory committee to be known as the National Museum of Women's History Advisory Committee (in this Act referred to as the 'Advisory Committee').

SEC. 3. MEMBERSHIP.

(a) **COMPOSITION-** The Advisory Committee shall be composed of 5 ex officio nonvoting members and 21 voting members.

(b) **EX OFFICIO NONVOTING MEMBERS-** The Advisory Committee shall be composed of 5 ex officio nonvoting members, of whom--

- (1) 1 member shall be appointed by the President;
- (2) 1 member shall be appointed by the Secretary of the Interior;
- (3) 1 member shall be appointed by the Administrator of General Services;
- (4) 1 member shall be appointed by the Secretary of Commerce; and
- (5) 1 member shall be appointed by the Secretary of Education.

(c) **VOTING MEMBERS-** The Advisory Committee shall be composed of 21 voting members, of

whom--

- (1) 1 member shall be appointed by the Speaker of the House of Representatives, from among the Members of the House of Representatives;
- (2) 1 member shall be appointed by the Minority Leader of the House of Representatives, from among the Members of the House of Representatives;
- (3) 1 member shall be appointed by the Majority Leader of the Senate, from among the Members of the Senate;
- (4) 1 member shall be appointed by the Minority Leader of the Senate, from among the Members of the Senate;
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- (6) 12 members shall be appointed by the President of the National Museum of Women's History, Inc., in consultation with the Secretary of the Interior, from among private citizens who can contribute to the success of the Advisory Committee as determined by such President--

(A) at least 5 of whom shall be appointed after consultation with the Organization of American Historians, the American Studies Association, the American Historical Associations, the Women's Studies Association, the American Association of Museums, and other interested academic or professional organizations; and

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(1) identifying and recommending a site for the National Museum of Women's History in Washington, District of Columbia;

(2) developing a business plan for the creation and maintenance of the National Museum of Women's History, which shall be funded solely through private contributions by the American people; and

(3) assisting with respect to the collection and programs of the National Museum of Women's History.

(b) **FIRST MEETING**- The Advisory Committee shall hold the first meeting of the Advisory Committee not later than 90 days after the date of enactment of this Act.

(c) **FINAL REPORT**- The Advisory Committee shall submit a final report to Congress regarding the matters studied under subsection (a) not later than 6 months after the date of the first meeting of the Advisory Committee.

SEC. 5. ADMINISTRATIVE PROVISIONS.

From amounts available to the Secretary of the Interior, the Secretary shall provide all necessary administrative services, facilities, support, and funds necessary for the performance of the duties of the Advisory Committee.

SEC. 6. COMPENSATION.

Each member of the Advisory Committee who is not an officer or employee of the Federal Government may receive compensation for each day such member is engaged in the performance of the duties of the Advisory Committee at a daily rate to be determined by the Secretary of the Interior. Such rate shall not exceed the maximum daily rate of pay for a position classified above GS-15 under section 5108 of title 5, United States Code.

SEC. 7. TRAVEL.

Members of the Advisory Committee shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized under sections 5702 and 5703 of title 5, United States Code, for persons in the Federal Government service employed temporarily or intermittently.

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To create a National Museum of Women's History Advisory Committee. (Introduced in the Senate)

S 706 IS

106th CONGRESS

1st Session

S. 706

To create a National Museum of Women's History Advisory Committee.

IN THE SENATE OF THE UNITED STATES

March 24, 1999

Ms. SNOWE (for herself, Mrs. HUTCHISON, Mrs. MURRAY, Ms. MIKULSKI, Mrs. BOXER, Ms. COLLINS, Mr. ROCKEFELLER, Mr. REID, Mr. BIDEN, Mr. AKAKA, Mr. KERRY, Mr. ASHCROFT, Mr. DODD, Mr. DURBIN, Mr. TORRICELLI, Mr. INOUE, Mr. LIEBERMAN, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To create a National Museum of Women's History Advisory Committee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) A national institution in Washington, District of Columbia, the Nation's Capital, that is dedicated to the heritage of women does not exist.

(2) In the 34-year period beginning with 1963, only 2 exhibits were authorized on women's history at the National Museum of American History.

(3) Less than 5 percent of the Nation's 2,200 National Historic Landmarks are dedicated to women, and there are only 40 public outdoor statues of American women in our Nation.

(4) The historic contributions of women to civilization and to our Nation have gone unnoted or are misunderstood, leaving a gap in our Nation's historical record.

(5) Knowledge of one's heritage is critical in developing a personal sense of competence and potential.

(6) Lack of appreciation for women's historic contributions leads to a lack of value, understanding, and respect for women and girls, and invites discrimination or violence against females.

(7) A National Museum of Women's History is needed to profile the specific achievements that individual women have made to all aspects of human endeavor, and to explore and celebrate the contributions that women have made in their various roles in family and society.

SEC. 2. ADVISORY COMMITTEE.

There is established an advisory committee to be known as the National Museum of Women's History Advisory Committee (in this Act referred to as the 'Advisory Committee').

SEC. 3. MEMBERSHIP.

(a) **COMPOSITION-** The Advisory Committee shall be composed of 5 ex officio nonvoting members and 21 voting members.

(b) **EX OFFICIO NONVOTING MEMBERS-** The Advisory Committee shall be composed of 5 ex officio nonvoting members, of whom--

- (1) 1 member shall be appointed by the President;
- (2) 1 member shall be appointed by the Secretary of the Interior;
- (3) 1 member shall be appointed by the Administrator of General Services;
- (4) 1 member shall be appointed by the Secretary of Commerce; and
- (5) 1 member shall be appointed by the Secretary of Education.

(c) **VOTING MEMBERS-** The Advisory Committee shall be composed of 21 voting members, of whom--

- (1) 1 member shall be appointed by the Speaker of the House of Representatives, from among the Members of the House of Representatives;
- (2) 1 member shall be appointed by the Minority Leader of the House of Representatives,

from among the Members of the House of Representatives;

(3) 1 member shall be appointed by the Majority Leader of the Senate, from among the Members of the Senate;

(4) 1 member shall be appointed by the Minority Leader of the Senate, from among the Members of the Senate;

(5) 5 members shall be appointed by the President of the National Museum of Women's History, Inc., from among the founding members of the Board of Trustees of the National Museum of Women's History, Inc., or the members of such Board; and

(6) 12 members shall be appointed by the President of the National Museum of Women's History, Inc., in consultation with the Secretary of the Interior, from among private citizens who can contribute to the success of the Advisory Committee as determined by such President--

(A) at least 5 of whom shall be appointed after consultation with the Organization of American Historians, the American Studies Association, the American Historical Association, the Women's Studies Association, the American Association of Museums, and other interested academic or professional organizations; and

(B) at least 2 of whom shall be appointed on the basis of their expertise in financial matters.

(d) **TIMELINE-** Members of the Advisory Committee shall be appointed not later than 30 days after the date of enactment of this Act.

(e) **LIMITATION-** Effective 30 days after the date of enactment of this Act, and notwithstanding subsections (a) through (d), the failure of an appointing authority to appoint a member under subsection (b), or under paragraph (1), (2), (3), or (4) of subsection (c), shall not affect the ability of the Advisory Committee to meet and carry out the functions of the Advisory Committee under this Act.

SEC. 4. DUTIES OF THE COMMISSION.

(a) **STUDY-** The Advisory Committee shall conduct a thorough study of all matters relating to--

(1) identifying and recommending a site for the National Museum of Women's History in Washington, District of Columbia;

(2) developing a business plan for the creation and maintenance of the National Museum of Women's History, which shall be funded solely through private contributions by the American people; and

(3) assisting with respect to the collection and programs of the National Museum of Women's History.

(b) **FIRST MEETING-** The Advisory Committee shall hold the first meeting of the Advisory Committee not later than 90 days after the date of enactment of this Act.

(c) FINAL REPORT- The Advisory Committee shall submit a final report to Congress regarding the matters studied under subsection (a) not later than 6 months after the date of the first meeting of the Advisory Committee.

SEC. 5. ADMINISTRATIVE PROVISIONS.

From amounts available to the Secretary of the Interior, the Secretary shall provide all necessary administrative services, facilities, support, and funds necessary for the performance of the duties of the Advisory Committee.

SEC. 6. COMPENSATION.

Each member of the Advisory Committee who is not an officer or employee of the Federal Government may receive compensation for each day such member is engaged in the performance of the duties of the Advisory Committee at a daily rate to be determined by the Secretary of the Interior. Such rate shall not exceed the maximum daily rate of pay for a position classified above GS-15 under section 5108 of title 5, United States Code.

SEC. 7. TRAVEL.

Members of the Advisory Committee shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized under sections 5702 and 5703 of title 5, United States Code, for persons in the Federal Government service employed temporarily or intermittently.

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National
Museum of
Women's
History

"Failure is Impossible"

—Susan B. Anthony

The Other Half of the Story:

National Museum of Women's History

*Bringing Women's History into
Mainstream American Culture*



neolithic woman
4500-2500 b.c.e.

The western world's first novelist,
it's first known composer, and one
of the inventors of the cotton gin
have at least two things in common,

as do the developer of the

binary system used

by every computer, the

scientist who first discov-

ered nuclear fission, and

the drafter of the Universal

Declaration of Human Rights.

Each of them made lasting contri-

butions to the social, scientific,

political, or artistic development of

western culture, though most of

them are overlooked in traditional

history books. But, they share one

other attribute with the creator of

the first usable penicillin, one of

the first self-made African American

millionaires in the U.S., and the

journalist who exposed the political

and economic objectives of

lynching: **They were women.***

The true stories of women's contri-
butions to the arts and sciences,
to politics and economics, and to
the religious and social development of
our modern world are more fascinating
than any fiction. Yet neither traditional
female roles nor the women who pushed
the boundaries of those roles have been
systematically explored and acknowledged.

The accomplishments of women like
U.S. Navy Admiral Grace Hopper, who
in the 1950s developed the first operating
system for COBOL, the first computer
programming language, are only recog-
nized within their professions. The efforts
of Ida B. Wells-Barnett, the African
American journalist and author who
exposed the horrors of lynching, are even
less well known. While Eleanor Roosevelt
is famous as first lady, her role as principal
architect of the Universal Declaration of
Human Rights is hardly known by the
general public.

**There is a deeply felt need among girls
and women to learn of their own unique
history and to see themselves reflected
with respect in our culture. Knowledge
of one's past is critical to developing
a personal sense of competence and
potential. Through the National
Museum of Women's History, we
can make women visible!**

The Time for the Past is Now!

*"It could be that only now will the past
open up to us with unexpected freshness
and tell us things that no one as yet had
ears to hear."*

Hannah Arendt

Philosopher/Political Scientist

In the age of the personal computer, the
Internet, and instantaneous global news,
both rules and roles have changed. The
timing has never been better for a national
institution dedicated to preserving,
presenting, and sharing a more compre-
hensive view of human history—a story
that can inspire girls, boys, men, and
women to extend the limits of their own
imaginings. Mixing wonder,
admiration, discovery, scholarship, and
outright fun, the National Museum of
Women's History will add new dimen-
sions to our notions about mothers,
daughters, sisters, wives, and counter
5000 years of cultural stereotypes.

The Past is the Foundation of the Future

*"...women have a special contribution to
make to any group enterprise, and I feel
it is up to them to contribute the kinds of
awareness that relatively few men...
have incorporated through
their education."*

*Margaret Mead
Anthropologist/
Author*



*NAIWH spearheaded
the effort and raised
the funds to move this
monument to suffrage
leaders Elizabeth Cady
Stanton, Susan B. Anthony,
and Lucretia Mott from the
U.S. Capitol Crypt to the U.S.
Capitol Rotunda.*



*How many of these history-making women can you identify? Their names are given on back page.

"Filtered through the prism of gender, history looks quite different, revealing new kinds of questions to be asked about the past, challenging old assumptions, and generating a more comprehensive view of historical issues once thought to be resolved."

Edith P. Mayo

Curatorial Consultant, NMWH

*Curator Emeritus, National Museum of American History,
Smithsonian Institution*

Visibility in the past equals empowerment in the present. Gaining knowledge and insight into women's past will help us to weave the experiences of women and men into a shared fabric of history and will help build an inclusive partnership for the future.

Your financial support of the National Museum of Women's History will ensure

that the ambitious programs of this new national treasure are in place by the target date of 2003.

Join ordinary citizens, major corporations, philanthropic foundations, Members of Congress, a bipartisan cross-section of political and business clubs, and help build a legacy of insight and knowledge.

The National Museum of Women's History will be an innovative and inspirational resource for all. And you can be a part of it. Your assistance will help the Museum:

- Enhance the NMWH CyberMuseum (www.nmwh.org)
- Create a wide range of programming for a diverse audience that enhances the understanding of women's social, political, scientific, religious, and artistic experiences and contributions
- Showcase issues of contemporary importance
- Preserve, document, study, and interpret women's history
- Communicate with the American public through seminars, publications, and educational outreach programs
- Assemble a research library, including oral histories, films, and videotapes
- Develop educational materials and research available to a global audience
- Collaborate with other organizations devoted to broadening the nation's and the world's appreciation of the limitless potential of humankind
- Build the physical museum in Washington, DC



NMWH commissioned this bronze bust of abolition and women's rights crusader Sojourner Truth sculpted by Reinaldo. Advisory Board Member Fred Morsell, President Karen Staver, and Trustees Joan Bradley Wages and Patricia Ghiglini unveiled the bust in honor of the 150th anniversary of the first women's rights convention in Seneca Falls, N.Y.



Margaret Bourke-White, an adventurous and pioneering photojournalist, made history as she documented it.

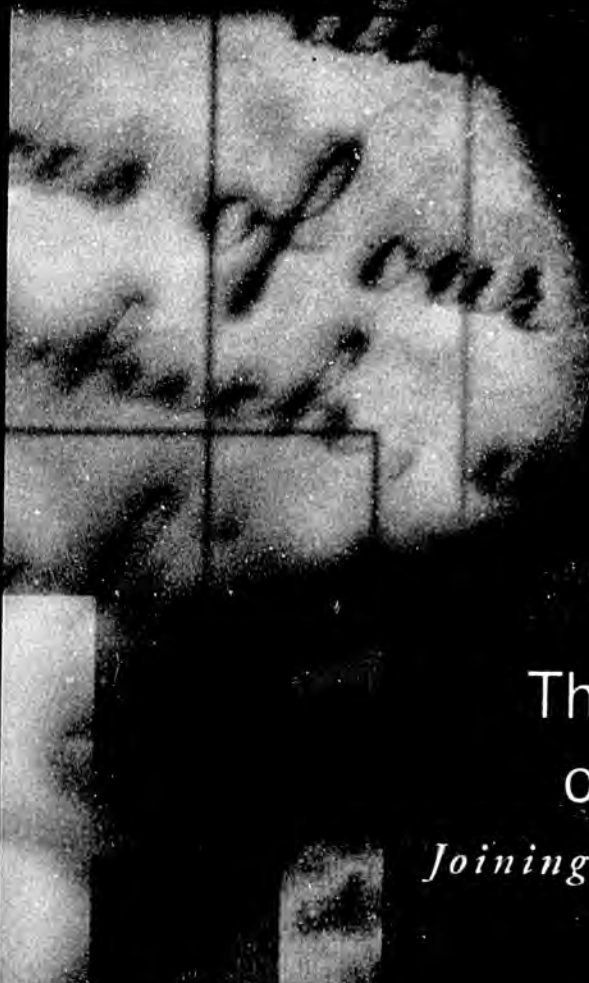


Museum of Women's History

nmwh.org



President Karen Staver celebrates the launch of the NMWH CyberMuseum at the National Press Club with Advisory Board Members Pat Billings and Lea Hopkins.



The National Museum of Women's History

*Joining Together
to Build the Future*

More than 170 experts—scholars, social scientists, writers, politicians, business people, fund raisers, and many others—are devoting their time and talent on a voluntary basis. Their experience, knowledge, and collective wisdom will help formulate the Museum's themes, content, and programs and, as the needs of the organization grow, guide the selection of additional advisors. A national board of academic and museum professionals has been established to develop the museum program design.

Overseeing the growing list of activities is the Board of Trustees, composed of the following dedicated and accomplished individuals:

Karen K. Staser
President and Founder

Ann E. W. Stone
Secretary

Allida Black
Ph.D., Historian

Joan A. Meacham
Vice President

Joan Bradley Wages
Director of Development

Mary Rothschild
Ph.D., Historian

Patricia Ghiglinio
Treasurer

Kay Cash-Smith
Organizational Development Officer

Edith Mayo
Curatorial Consultant (ex officio)

The Museum is proud to have the invaluable assistance of the law firm of Covington and Burling.

Air travel has been generously provided by American Airlines.

Design and printing by Skilset Communications, Inc.

National Museum of Women's History Executive Offices
303 West Glendale Avenue
Alexandria, VA 22301
Telephone 703.299.0552
Fax 703.299.0557
Visit us on the Web: www.nmwh.org

The Museum acknowledges, with sincere appreciation, the contributions of the following supporters whose financial assistance made this brochure possible:
American Express—Gold Sponsor
Kimberly King—Silver Sponsor

**History-making women* (identified in order mentioned in text)

- Aphra Behn
- Hildegard of Bingen
- Catherine Littlefield Greene
- Ada Byron, Countess of Lovelace
- Dr. Lise Meitner
- Dr. Gladys L. Hobby
- Madame C.J. Walker
- Ida B. Wells-Barnett

This brochure is dedicated in loving memory of Jason William Hopkins (September 4, 1974–July 2, 1997).

4/27/99

Rep. Ramona Barnes
Alaska State Capitol
Juneau, Alaska 99811

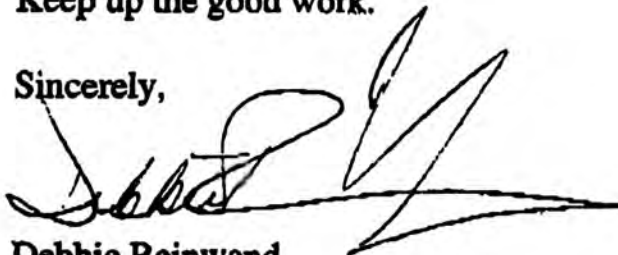
Dear Rep. Barnes:

I am writing in support of HJR 147, and want to commend you and your committee for your support of this important federal initiative. The work of the National Museum of Women's History organizers has been impressive and their goal is even more so — to secure a building in our nation's capital dedicated to the history of women and our achievements.

I urge your committee to pass HJR 147 and to lend your support toward this important project. Together, we can all help it become a reality.

Keep up the good work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debbie Reinwand', with a long horizontal flourish extending to the right.

Debbie Reinwand
3730 W. 64th Avenue
Anchorage, AK 99502
(907) 249-9773

SCOMM

119:9

Alaska State Legislature

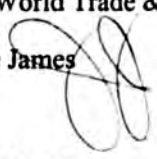
REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives

House District 34

Memorandum

To: Chair Ramona Barnes / World Trade & State & Federal Relations
From: Representative Jeannette James 
Date: 02/18/99
Re: Request for Hearing on HJR 15

I am requesting a hearing on HJR 15 at your earliest convenience. This legislation is intended to reaffirm the constitutional authority of the Congress as elected representatives of the people over federal lands of the United States. The State of Alaska wants Congress to make the decisions about land designations to international entities with a public process, not only the President or his appointees.

Jeannette

CONFIDENTIAL

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P.O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives

House District 34

HJR 15 – RELATING TO SUPPORT FOR AN “AMERICAN LANDS SOVEREIGNTY PROTECTION ACT” IN THE UNITED STATES CONGRESS.

This legislation is to reaffirm and pledge continued support for the Alaska State Legislative Resolve 31 passed on to Congress in March 1997.

We cannot afford to ignore what is happening to our sovereignty, or avoid examining the potential and practical impacts of World Heritage sites or Biosphere Reserve listings in Alaska. Stop to consider that major areas like the Wrangell-St. Elias National Park and Preserve, Glacier Bay National Park and Preserve and other areas totaling over 40 million acres have already been listed as World Heritage Sites or Biosphere Reserves in Alaska.

Immediately following the recent designation of a portion of Kamchatka as a World Heritage Site, strong efforts began by environmental groups to block investment insurance for development projects on Kamchatka that the local communities supported. It is just as we feared, and is highly conceivable that most, if not all, National Parks and some National Wildlife Refuges and Wilderness areas in Alaska could qualify for listing under the Conventions.

You can be sure that each area listed in the future will also include buffer zones and transitory zones, and that the same ecological standards for use and development will apply to these areas as are applied to buffer zones surrounding Yellowstone National Park and other World Heritage Sites.

Alaska's National Parks and National Wildlife Refuge Systems are unique somewhat. In exchange for the delineation of large federal land withdrawals in our state, major concessions on further use by Alaskans were incorporated in their purposes and mission. Certain activities, normally excluded automatically in other similar areas of the United States, such as oil development, mining, hunting, fishing and trapping, were identified in some areas of Alaska as being legitimate potentially compatible uses. Congress specifically authorized existing transportation methods and means to assure continued traditional uses within the withdrawals and to assure access to all the interspersed state and private lands within and surrounding federal lands. The question that many ask is if the proposed restrictions by the World Heritage Committee have the effect of over-riding congressional intent?

Another concern is if established subsistence uses could be eliminated within existing National Parks. And is it possible that established transportation corridors could be closed to use by Alaskans? Could the international convention community apply unilateral trapping standards to these areas? These are areas of deep concern and we urge congressional debate over these issues and eventual clarification by Congress.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

P. O. Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House Of Representatives

House District 34

HJR 15 – RELATING TO SUPPORT FOR THE “AMERICAN LANDS SOVEREIGNTY PROTECTION ACT” IN THE UNITED STATES CONGRESS.

This legislation is to reaffirm and pledge continued support for the Alaska State Legislative Resolve 31 passed on to Congress in March 1997, for Congressional approval of any land designations in the United States.

We cannot afford to ignore what is happening to our sovereignty, or avoid examining the potential and practical impacts of World Heritage sites or Biosphere Reserve listings in Alaska. There are presently 352 biosphere reserves in 87 countries with 47 in the United States. There are 20 World Heritage Sites. Two World Heritage Sites are located in Alaska: Wrangell-St. Elias National Park and Preserve, Glacier Bay National Park and Preserve. Glacier Bay National Park and Preserve is also a biosphere reserve. There are over 51 million acres set aside in these international designations and over 40 million of those acres are in Alaska.

A big concern is that these designations will become an open invitation to certain environmental groups to block all development. This has been happening regularly around the world so the concern is not imaginary. A good example is that immediately following the recent designation of a portion of Kamchatka as a World Heritage Site, strong efforts began by environmental groups to block investment insurance for development projects on Kamchatka, even though the local communities supported the projects.

Alaska's National Parks and National Wildlife Refuge Systems are unique. In exchange for the delineation of large federal land withdrawals in our state, major concessions on further use by Alaskans were incorporated in their purposes and mission. Certain activities, normally excluded automatically in other similar areas of the United States, such as oil development, mining, hunting, fishing and trapping, were identified in some areas of Alaska as being legitimate potentially compatible uses. Congress specifically authorized existing transportation methods and means to assure continued traditional uses within the withdrawals. These methods also assure access to all the interspersed state and private lands within and surrounding federal lands. Could any proposed restrictions by the World Heritage Committee have the effect of over-riding congressional intent?

Another concern is if established subsistence uses could be eliminated within existing National Parks. It is not unrealistic to think that established transportation corridors could be closed to Alaskans. It has happened in the northern regions of Alaska already, and people fear that the international convention community might apply unilateral trapping standards to these areas. We object to the nomination and designation of any international sites in Alaska without Congressional approval and without the prior consent of the Alaska State Legislature.

I urge you to support HJR 15. Thank you.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 15

Revision Date: March 2, 1999

Dept. Affected All State Agencies

Title: A Resolution Relating to support for an
"American Land Sovereignty Protection Act"

BRU

Component

Sponsor: Re. James

Requester: House World Trade & State/
Federal Relations Comm.

Component Serial No.

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES []

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution would not have a significant fiscal impact on any state agency.

Prepared by Donald M. Riehle, staff WTR 

Phone 907-465-3438

Phone _____

Date March 2, 1999

FISCAL NOTE

Bill Version: CSHJR 15 (WTR)
 (H) Publish Date: 3/5/99

STATE OF ALASKA
 1999 LEGISLATIVE SESSION

Revision Date: March 2, 1999

Title: A Resolution Relating to support for an
 "American Land Sovereignty Protection Act"

Sponsor: Re. James

Requester: House World Trade & State/
 Federal Relations Comm.

Dept. Affected: All State Agencies

BRU

Component

Component Serial No.

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES []

FUND SOURCE

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1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution would not have a significant fiscal impact on any state agency.

Prepared by Donald M. Riehle, staff WTR

Phone 907-465-3438

Phone

Date March 2, 1999

COMMITTEE COPY

as World Heritage Sites or as Biosphere Reserves. Please give your support to HJR 15....

Thanks

There is an amendment in your packets that needs your approval.

It is simple -- to correct an error of the resolution # ----- The amendment deletes H.R. 833 from page 3, line 12 and page 3, line 14 and to inserts H.R. 883 in their place.

CS FOR HOUSE JOINT RESOLUTION NO. 15(WTR)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

**BY THE HOUSE SPECIAL COMMITTEE ON WORLD TRADE AND STATE/FEDERAL
RELATIONS**

Offered: 3/5/99

Referred: Resources

Sponsor(s): REPRESENTATIVE JAMES

A RESOLUTION

**1 Relating to support for the "American Land Sovereignty Protection Act" in the
2 United States Congress.**

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

**4 WHEREAS the United Nations has designated 67 sites in the United States as "World
5 Heritage Sites" or "Biosphere Reserves," which altogether are about equal in size to the State
6 of Colorado, the eighth largest state; and**

**7 WHEREAS art. IV, sec. 3, United States Constitution, provides that the United States
8 Congress shall make all needed regulations governing lands belonging to the United States;
9 and**

**10 WHEREAS many of the United Nations' designations include private property
11 inholdings and contemplate "buffer zones" of adjacent land; and**

**12 WHEREAS some international land designations such as those under the United States
13 Biosphere Reserve Program and the Man and Biosphere Program of the United Nations
14 Scientific, Educational, and Culture Organization operate under independent national
15 committees such as the United States National Man and Biosphere Committee that have no
16 legislative directives or authorization from the Congress; and**

1 **WHEREAS** these international designations as presently handled are an open invitation
2 to the international community to interfere in domestic economies and land use decisions; and

3 **WHEREAS** local citizens and public officials concerned about job creation and
4 resource based economies usually have no say in the designation of land near their homes for
5 inclusion in an international land use program; and

6 **WHEREAS** former Assistant Secretary of the Interior George T. Frampton, Jr., and
7 the President used the fact that Yellowstone National Park had been designated as a "World
8 Heritage Site" as justification for intervening in the environmental impact statement process
9 and blocking possible development of an underground mine on private land in Montana
10 outside of the park; and

11 **WHEREAS** a recent designation of a portion of Kamchatka as a "World Heritage Site"
12 was followed immediately by efforts from environmental groups to block investment insurance
13 for development projects on Kamchatka that are supported by the local communities; and

14 **WHEREAS** environmental groups and the National Park Service have been working
15 to establish an International Park, a World Heritage Site, and a Marine Biosphere Reserve
16 covering parts of western Alaska, eastern Russia, and the Bering Sea; and

17 **WHEREAS**, as occurred in Montana, such designations could be used to block
18 development projects on state and private land in western Alaska; and

19 **WHEREAS** foreign companies and countries could use such international designations
20 in western Alaska to block economic development that they perceive as competition; and

21 **WHEREAS** animal rights activists could use such international designations to
22 generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

23 **WHEREAS** such international designations could be used to harass or block any
24 commercial activity, including pipelines, railroads, and power transmission lines; and

25 **WHEREAS** the President and the executive branch of the United States have, by
26 Executive Order and other agreements, implemented these designations without approval by
27 the Congress; and

28 **WHEREAS** the United States Department of Interior, in cooperation with the Federal
29 Interagency Panel for World Heritage, has identified the Aleutian Island Unit of the Alaska
30 Maritime National Wildlife Refuge, Arctic National Wildlife Refuge, Cape Krusenstern
31 National Monument, Denali National Park, Gates of the Arctic National Park, and Katmai

1 National Park as likely to meet the criteria for future nomination as World Heritage Sites; and
2 **WHEREAS** the Alaska State Legislature objects to the nomination or designation of
3 any World Heritage Sites or Biosphere Reserves in Alaska without the specific consent of the
4 Alaska State Legislature, and

5 **WHEREAS** actions by the President in applying international agreements to lands
6 owned by the United States may circumvent the Congress; and

7 **WHEREAS** Congressman Don Young introduced House Resolution No. 901 in the
8 105th Congress entitled the "American Land Sovereignty Protection Act of 1997" that required
9 the explicit approval of the Congress prior to restricting any use of United States land under
10 international agreements; and

11 **WHEREAS** Congressman Don Young has reintroduced this legislation in the 106th
12 Congress as House Resolution No. ~~883~~, which is entitled the "American Land Sovereignty
13 Protection Act"; ⁸⁸³

14 **BE IT RESOLVED** that the Alaska State Legislature supports House Resolution ~~883~~, ⁸⁸³
15 the "American Land Sovereignty Protection Act," that reaffirms the constitutional authority
16 of the Congress as the elected representatives of the people over the federally owned land of
17 the United States and urges the swift introduction and passage of such act by the 106th
18 Congress; and be it

19 **FURTHER RESOLVED** that the Alaska State Legislature objects to the nomination
20 or designation of any sites in Alaska as World Heritage Sites or Biosphere Reserves without
21 the prior consent of the Alaska State Legislature.

22 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
23 United States; Honorable Al Gore, Jr., Vice-President of the United States and President of
24 the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable
25 J. Dennis Hastert, Speaker of the U.S. House of Representatives; and to the Honorable Ted
26 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
27 U.S. Representative, members of the Alaska delegation in Congress.

Links to the Past

World Heritage Sites in the United States

National Park Service- US/ICOMOS

This Home Page is a joint effort between the United States Department of the Interior, National Park Service (NPS) and the United States Committee, International Council on Monuments and Sites (US/ICOMOS). Throughout the world, national ICOMOS committees work to support the World Heritage Convention. In the United States, the NPS serves as chief steward of the nation's natural and cultural patrimony.

There are twenty-two (22) World Heritage sites in the United States. The U.S. Department of the Interior, in cooperation with the Federal Interagency Panel for World Heritage has identified many more sites (cultural and natural) as likely to meet the criteria for future nomination to the World Heritage List. This tentative list is available for viewing. Some World Heritage Sites are threatened by development, neglect and natural decay.



Click on the map for a satellite image (50k) showing the location of World Heritage Sites in the continental United States, Alaska, Hawaii and Puerto Rico. These sites are indicated by blue dots.

List of World Heritage Sites in the United States of America

(text-only)

WORLD HERITAGE LINKS

World Heritage Review (a cultural resource journal)

Statement from the GW Society in favor of World Heritage designation

Internet Resource Guide for Heritage Conservation, Historic Preservation and Archeology

World Heritage Centre Home Page

Comments or Questions

Jim Charlton, International Cooperation Specialist

Phone: 202-565-1280

Potential U.S. Nominations from the Tentative List (Complete Text)

Note: Complete text downloaded from US/ICOMOS gopher site.

INDICATIVE LIST, UNITED STATES (by state)**ALABAMA**

Moundville Site

ALASKA

Aleutian Islands Unit of the Alaska Maritime National
Wildlife Refuge (Fur Seal Rookeries) C (vi); N (ii)

Arctic National Wildlife Refuge

Cape Krusenstern Archaeological District

Denali National Park

Gateway of the Arctic National Park

Glacier Bay National Park and Preserve **INSCRIBED 1992**

Katmai National Park

Wrangell-St. Elias National Park and Preserve **INSCRIBED 1979**

ARIZONA

Casa Grande National Monument

Grand Canyon National Park **INSCRIBED 1979**

Hohokam Pima National Monument

Lowell Observatory

Organ Pipe Cactus National Monument

Saguaro National Monument

San Xavier Del Bac

Tajeres West [added 17 Aug 90]

Ventana Cave

CALIFORNIA

Joshua Tree National Monument

Point Reyes National Seashore/Farallon Islands National
Wildlife Refuge

Redwood National Park **INSCRIBED 1980**

Sequoia/Kings Canyon National Parks

Yosemite National Park **INSCRIBED 1984**

CALIFORNIA/NEVADA

Death Valley National Mounument

COLORADO

Colorado National Monument

Mesa Verde National Park **INSCRIBED 1978**

Lindenmeir Site

Rocky Mountain National Park

DISTRICT OF COLUMBIA

Chapel Hill, Gallaudet College

Washington Monument

FLORIDA/GEORGIA

Everglades National Park **INSCRIBED 1979**

Okefenokee National Wildlife Refuge

Potential U.S. Nominations from the Tentative List (Complete Text)

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INDICATIVE LIST, UNITED STATES (by state)

ALABAMA

Moundville Site

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Arctic National Wildlife Refuge

Cape Krusenstern Archaeological District

Denali National Park

Gates of the Arctic National Park

Glacier Bay National Park and Preserve INSCRIBED 1992

Katmai National Park

Wrangell-St. Elias National Park and Preserve INSCRIBED 1979

ARIZONA

Cerro Grande National Monument

Grand Canyon National Park INSCRIBED 1979

Hohokam Pima National Monument

Lowell Observatory

Organ Pipe Cactus National Monument

Saguaro National Monument

San Xavier Del Bac

Taliesin West [added 17 Aug 90]

Ventana Cave

CALIFORNIA

Joshua Tree National Monument

Point Reyes National Seashore/Farallon Islands National
Wildlife Refuge

Redwood National Park INSCRIBED 1980

Sequoia/Kings Canyon National Parks

Yosemite National Park INSCRIBED 1984

CALIFORNIA/NEVADA

Death Valley National Monument

COLORADO

Colorado National Monument

Mesa Verde National Park INSCRIBED 1978

Pedernales Site

Rocky Mountain National Park

DISTRICT OF COLUMBIA

Chapel Hill, Gallaudet College

Washington Monument

FLORIDA/GEORGIA

Everglades National Park INSCRIBED 1979

Okefenokee National Wildlife Refuge

GEORGIA

Ocmulgee National Monument
Savannah Historic District
Warm Springs Historic District

HAWAII

Haleakala National Park [added 22 Aug 83]
Hawaii Volcanoes National Park INSCRIBED 1987
Puuhonua O Honaunau National Historical Park

ILLINOIS

Auditorium Building, Chicago
Cahokia Mounds State Historic Site INSCRIBED 1982
Carson, Pirie, Scott and Company Store, Chicago
Eads Bridge, Illinois-St. Louis, Missouri
Frank Lloyd Wright Home and Studio
Leiter II Building, Chicago
Marquette Building, Chicago
Reliance Building, Chicago
Robie House, Chicago
Rookery Building, Chicago
South Dearborn Street-Printing House Row North Historic District
Unity Temple, Oak Park

INDIANA

New Harmony Historic District

LOUISIANA

Poverty Point

MAINE

Acadia National Park

MASSACHUSETTS

Goddard Rocket Launching Site

MISSOURI

Wainwright Building, St. Louis

MONTANA

Glacier National Park INSCRIBED 1995

NEW JERSEY/NEW YORK

Statue of Liberty National Monument INSCRIBED 1984

NEW MEXICO

Carlsbad Caverns National Park INSCRIBED 1995
Chaco Culture National Historical Park INSCRIBED 1987
Pecos National Monument
Taos Pueblo INSCRIBED 1992
Trinity Site

NEW YORK

Brooklyn Bridge
General Electric Research Laboratories, Schenectady
Prudential (Guaranty) Building, Buffalo
Pupin Physics Laboratory, Columbia University
Original Bell Telephone Laboratories

NORTH CAROLINA/TENNESSEE

Great Smoky Mountains National Park INSCRIBED 1983

OHIO

Mound City Group National Monument
OREGON
 Crater Lake National Park
PENNSYLVANIA
 Fallingwater
Independence National Historic Site **INSCRIBED 1979**
TEXAS
 Big Bend National Park
 Guadalupe Mountains National Park
UTAH
 Arches National Park
 Bryce Canyon National Park
 Canyonlands National Park
 Capitol Reef National Park
 Rainbow Bridge National Monument
 Zion National Park
VIRGINIA
 McCormick Farm and Workshop
Monticello **INSCRIBED 1987**
University of Virginia Historic District **INSCRIBED 1987**
 Virginia Coast Reserve
WASHINGTON
 Mount Rainier National Park
Olympic National Park **INSCRIBED 1981**
 North Cascades National Park
WISCONSIN
 Taliesin
WYOMING
 Grand Teton National Park
WYOMING/MONTANA
Snowstone National Park **INSCRIBED 1978**
PUERTO RICO
La Fortaleza-San Juan National Historical Site **INSCRIBED 1983**

These sites are further detailed in the following Public Notice in the Federal Register (47 FR 19648), as amended by 48 FR 38101 and 55 FR 33781).

INDICATIVE INVENTORY OF POTENTIAL FUTURE U.S. NOMINATIONS TO THE WORLD HERITAGE LIST

I. Cultural Properties

Prehistory and Living Communities (formerly Archaeology)

Post-Contact Aboriginal

Taos Pueblo, New Mexico. (36 deg.25' N.; 105 deg.40' W.) A center of Indian culture since the 17th century, the pueblo of Taos, still active today, symbolizes Indian resistance to external rule.

The mission of San Geronimo, one of the earliest in New Mexico, was built near Taos Pueblo in the early 17th century. Criteria: (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

Post-Contact Aboriginal/Developed Agriculture

Pecos National Monument, New Mexico. (35 deg.35' N.; 105 deg.45' W.) This site was occupied since before A.D. 900 up until the 19th century. The archaeological excavations of the area led to the development of a cultural sequence which in turn enabled the comparative dating of southwestern U.S. sites. This classification is the cornerstone of the understanding of Southwestern archaeology. In addition to the archaeology at Pecos, there are the foundations of a Spanish mission, the ruins of an 18th-century church, and numerous Pueblo Indian structural remains, including restored kivas. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Developed Agriculture

Moundville Site, Alabama. (33 deg.0' N.; 87 deg.40' W.) This is probably the site described by De Soto in his Mississippian expedition. This site demonstrates the Mesoamerican influence on the culture of the Southeast. It is a "ceremonial" site with over twenty extant mounds and burial areas. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Casa Grande National Monument, Arizona. (33 deg.0' N.; 111 deg.30' W.) Casa Grande is a four-story tower of packed earthen walls built over 600 years ago by the agricultural Indians of the Gila River Valley. The site also contains important Hohokam Indian remains dating from about 900 A.D. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Hohokam Pima National Monument, Arizona. (32 deg.55' N.; 111 deg.30' W.) Hohokam Pima is part of the site of Snaketown, which was continuously inhabited by the Hohokam/Pima cultures for over 2,000 years. This site contains essentially all phases of Hohokam cultural development from the earliest villages established around 400 B.C. up to A.D. 1450. Subsequently this same site was occupied by the Pima from the time of contact with the Spanish until around 1940. The Hohokam Pima site clearly demonstrates the Mesoamerican influence in the Southwestern U.S. The site is located in a Pima reservation. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Ocmulgee National Monument, Georgia. (32 deg.50' N.; 83 deg.40' W.) The large mounds and surrounding villages at Ocmulgee demonstrates the cultural evolution of the Indian mound-builder civilization in the southern U.S. Criteria: (iii) Bears an exception testimony to a civilization which has disappeared.

Poverty Point, Louisiana. (32 deg.40' N.; 91 deg.25' W.) An archaeological site that flourished from 1,000-600 B.C. It contains a geometric earthwork complex, consisting of 11.2 miles of raised terraces arranged in six concentric octagons, and Poverty Point Mound, a bird-shaped ceremonial structure. Criteria: (iii) Bears an exception testimony to a civilization which has disappeared.

Chaco Culture National Historical Park, New Mexico. (36 deg.10' N.; 108 deg.0' W.) This property bears testimony to the first five periods of the Chacoan variant and one period of the Mesa Verdean variant of the Pueblo civilization. Chaco Canyon is a large canyon which contains