

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

2661 SCOMM 119 HOUSE SPECIAL COMMITTEE WORLD TRADE. . . , 1999-2000

Section V.

In support of these principles, we commit ourselves to the pursuit of such remedies as may be necessary to restore the sovereignty of the states and of the people, by:

- A. Legal actions to challenge the illegitimate exercise of federal power;
- B. Repeals of laws by which federal power has been illegitimately expanded;
- C. Constitutional Amendments to curtail unwarranted federal power; and
- D. Such other actions as may be appropriate."

And be it further resolved that the Legislative Clerks of the Senate and the House of Representatives transmit duly authenticated copies of this Resolution to the Speaker of the United States House of Representatives, to the President of the United States Senate, to each of the members of Congress, and the presiding officers of each legislative house of each of the other states in the Union, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, to the President of the United States, and to members of the communications Media.

MODEL LEGISLATION

***GOVERNMENT OF THE PEOPLE AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES***

A resolution for the purpose of petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to establish a mechanism for nullification of federal laws and regulations where the states determine that such laws or regulations exceed the authority of the federal government under the Constitution of the United States.

WHEREAS, the federal government was established by the states through ratification of the Constitution of the United States; and

WHEREAS, the federal government was granted certain limited powers under the Constitution of the United States, to act as the agent of the states and of the people; and

WHEREAS, the Constitution of the United States requires, under the Tenth Amendment that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people;" and

WHEREAS, by the actions of Congress, the federal government has usurped powers reserved to the states and to the people; and

WHEREAS, by the actions of the Executive, the federal government has usurped powers reserved to the states and to the people; and

WHEREAS, by the actions of the Judiciary, the federal government has usurped powers reserved to the states and to the people; and

WHEREAS, by the combined actions of the Congress, the Executive and the Judiciary, the principal-agent relationship established by the Constitution of the United States has been effectively reversed, as the federal government has arrogated to itself the role of principal; and

WHEREAS, it has become customary for the federal Judiciary to possess the ultimate authority to interpret the meaning of the Constitution of the United States; and

WHEREAS, reliance upon the federal Judiciary, itself a branch of the federal government, has inappropriately delegated ultimate interpretation of the Constitution of the United States to the agent, rather than to the principal; and

WHEREAS, only the principal in a principal-agent relationship can ultimately interpret the intention of the principal; and

WHEREAS, the federal government is more distant from the people than state governments and is thereby less efficient and effective in providing for functions that, under the Constitution of the United States, were to have been reserved to the States and to the people; and

WHEREAS, to achieve government of the people, by the people and for the people, government must become closer to the people; and

WHEREAS, there is a need for an effective mechanism by which the States may provide ultimate interpretation of their intentions under the Constitution of the United States; and

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF (INSERT STATE), A MAJORITY OF ALL MEMBERS OF THE TWO HOUSES CONCURRING SEPARATELY HEREIN, that the Congress of the United States is hereby petitioned to propose the *Government of the People Amendment* to the Constitution of the

United States, for submittal to the states for ratification, providing for the states to nullify federal laws and regulations, in such cases as the states deem that the federal government has exceeded the limits of its authority.

BE IT FURTHER RESOLVED that to achieve the purpose expressed above that the *Government of the People Amendment* shall provide that:

1. Any act of Congress, or provision thereof shall be null and void upon the adoption of a Resolution of Disapproval by the legislatures of two-thirds of the states providing that no more than five years shall have passed from the adoption of the first Resolution of Disapproval by a state and the requisite number of adoptions.

2. Any regulation, administrative directive or provision thereof shall be null and void upon the adoption of a Resolution of Disapproval by the legislatures of two-thirds of the states where no more than five years shall have passed from the adoption of the first Resolution of Disapproval by a state and the requisite number of adoptions.

BE IT FURTHER RESOLVED that the *Government of the People Amendment* shall require a Resolution of Disapproval to declare the causes that impel the Resolution.

BE IT FURTHER RESOLVED that the *Government of the People Amendment* shall contain reasonable limitations on the use of Resolutions of Disapproval with respect to issues of national security.

BE IT FURTHER RESOLVED that the *Government of the People Amendment* shall prohibit judicial review of any matter with respect to the *Government of the People Amendment* or its implementation or operation.

MODEL RESOLUTION

***STATES' INITIATIVE AMENDMENT
TO THE CONSTITUTION OF THE UNITED STATES***

A resolution for the purpose of petitioning the Congress of the United States to propose an amendment to the Constitution of the United States for submission to the states to provide the states a method of offering amendments to the Constitution of the United States.

WHEREAS, the ratification of the Constitution of the United States by the states created a balance of power between the federal government and the states; and

WHEREAS, the federal government was granted certain limited powers under the Constitution of the United States; and

WHEREAS, the Constitution of the United States requires, under the Tenth Amendment that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people;" and

WHEREAS, by the combined actions of the Congress, the Executive and the Judiciary, today, power is concentrated in the federal government; and

WHEREAS, the original checks and balances created by the founders have been eroded and the national government has consolidated power and authority; and

WHEREAS, the federal government is more distant from the people than state governments; and

WHEREAS, to achieve government of the people, by the people and for the people, government must become closer to the people; and

WHEREAS, there is a need for an effective mechanism by which the states can offer amendments to the Constitution of the United States;

NOW THEREFORE BE IT RESOLVED, BY THE LEGISLATURE OF THE STATE OF (INSERT STATE), A MAJORITY OF ALL MEMBERS OF THE TWO HOUSES CONCURRING SEPARATELY HEREIN, that the Congress of the United States is hereby petitioned to propose the *States' Initiative Resolution* as an amendment to the Constitution of the United States for ratification by state legislatures. This resolution shall be submitted to the states for ratification, providing for the states a method through which they may amend the Constitution of the United States.

BE IT FURTHER RESOLVED, that to achieve the purpose expressed above, the *States' Initiative Amendment* shall provide that: Whenever three-fourths of the legislatures of the states deem it necessary, they shall propose amendments to this Constitution. These proposed amendments are valid for all intents and purposes two years after they are submitted to Congress. The said amendments will be invalid if both houses of Congress, by two-thirds vote, disapprove them within two years after their submission.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of {insert state} transmit copies of this Concurrent Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Senate and the Speaker of the House of Representatives of each state's legislature of the United States of America, and the {insert state} Congressional Delegation.

MODEL RESOLUTION

Restatement of Sovereignty

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States constitution and no more; and

WHEREAS, the scope of federal power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, State authority has been eroded primarily by four developments: (1) Federal assumption of powers reserved to the states under the Tenth Amendment; (2) Interpretations of the "commerce clause" which go beyond any reasonable conception, and in effect authorize federal pre-emption with respect to any issue for which some faint or circuitous connection can be made to interstate commerce; (3) By threat of withholding, withdrawing, or diverting federal funds to coerce compliance with federal policies; (4) Failure on the part of the states to challenge federal intrusions. Indeed state governments have endorsed federal usurpation by seeking additional federal funding and by accepting federal delegations of power.

WHEREAS, today, in {insert year}, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by the State of {insert state} without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, the United states Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposal from previous administrations and some now pending from the present administration and from Congress may further violate the United states Constitution;

NOW THEREFORE BE IT RESOLVED, that the State of {insert state} hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

BE IT FURTHER RESOLVED, that this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the president of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the Untied States of America, and {insert state} Congressional delegation.

MODEL LEGISLATION

***Joint Legislative Committee on
Federal Mandates Act***

Section 1. {Title.} This act shall be known as and may be cited as the *Joint Legislative Committee on Federal Mandates Act*.

Section 2. {Legislative findings and declarations.} The legislature finds and declares that:

A. The Tenth Amendment to the Constitution of the United States reads as follows: The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

B. The number of federal mandates imposed upon the states by the United States Congress has alarmingly increased in recent years.

C. The members of the legislature of {insert state} desire to personally protect state sovereignty from federal encroachment as well as communicate with the {insert state} delegation to the United States Congress concerning this critical problem so that our representatives may be completely cognizant of the effect the actions of the federal government have at the state legislative level and may be more sensitive to federal usurpation of state authority.

Section 3. {Joint legislative committee on federal mandates; members; powers and duties.}

A. A joint legislative committee on federal mandates is established consisting of the president of the senate, four members of the senate appointee by the president of the

senate, the speaker of the house of representatives and four members of the house of representatives appointed by the speaker of the house of representatives. No more than three members of the Senate or House of Representatives, including the President and Speaker, shall be from the same political party. Members shall serve two year terms ending on the Convening of the regular session of the Legislature each Odd-Numbered year.

B. The Committee shall meet on the call of the President of the Senate or the Speaker of the House of Representatives, and a majority of the members constitutes a quorum for the transaction of business.

C. The committee shall:

1. Review each year the activities of Congress and the federal government including court rulings with regard to any laws, regulations or other actions that may require their state to comply with any federal mandate.

2. Take any action necessary to protect this state's constitutional rights and sovereignty against federal mandates.

3. Arrange for and conduct an annual joint session of the Legislature or a meeting of the Committee and request the attendance of all members of the {insert state} congressional delegation to discuss issues relating to federal mandates and the appropriate use of federal power to influence state policy.

D. The Committee may utilize legislative staff for research and other services required by committee.

Section 4. {Severability clause.}

Section 5. {Repealer clause.}

Section 6. {Effective date.}

MODEL LEGISLATION

CONSTITUTIONAL DEFENSE ACT

Section 1. {Title.} This act shall be known as may be cited as the *Constitutional Defense Council Act*

Section 2. {Legislative findings and declaration.} The legislatures finds and declares that:

A. The Constitution of the United States of America envisions sovereign states and guarantees the states a republican form of government in which decisions are made by the elected representative of the people.

B. The power of state and local government of {insert state} to better the lives of their citizens are being encroached upon by the federal government.

C. With increasing and alarming frequency, important decisions affecting our lives that should be left to the states are being made by the federal government in Washington, DC.

E. Federal mandates are being imposed on the states without the accompanying tax dollars necessary to implement the mandated programs.

F. The impact of federal mandates threatens the fiscal integrity of our State as well as our right of self determination.

G. The intent of this legislation is to restore, maintain, and advance the State's Sovereignty and Authority over issues that affect the state and the well being of its citizens.

Section 3. {Members; Powers; Staff.}

A. The defense council shall consist of the following members: **{To be determined by State.}**

B. The Defense Council shall meet at times at the call of the chair.

1. A majority of the membership on the defense Council is required for a quorum to conduct council business. A majority of the quorum is required for any action taken by the Defense Council.

Section 4. {Powers & Duties.}

A. The Council, in the name of the state or its citizens, may examine and challenge by legal action, legislation or any other legal means:

1. Federal Mandates.
2. Court Rulings.
3. The Authority granted to, or assumed by, the federal government.
4. Laws, regulations and practices of the federal government.
5. Any other activity that is deemed appropriate by the Council.

Section 5. {Appropriations.}

A. A council fund is established in the state treasury for deposit of appropriations, gifts, grants and other council monies. Monies in the Council fund are continuously appropriated.

B. The sum of {insert amount} is appropriated from the state general fund in fiscal year {insert year} to the Constitutional Defense Council for the purpose provided in this act.

Section 6. {Severability Clause.}

Section 7. {Repealer Clause.}

Section 8. {Effective Date.}

MODEL LEGISLATION

***FEDERAL MANDATE AND FEDERAL ENCROACHMENT ON
STATE SOVEREIGNTY ACT***

Section 1. {Short Title.} This act shall be known and may be cited as the *Federal Mandate/Federal Encroachment on State Sovereignty Act*.

Section 2. {Legislative Declarations.} The Legislature finds and declares:

A. The Tenth Amendment to the Constitution of the United States reads as follows: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

B. Today, with increasing frequency important decisions affecting the lives of individuals in the state are being made by the federal government and the states are demonstrably treated as agents of the federal government.

C. State sovereignty and authority over issues that affect the state and the well being of its citizens must be restored.

Section 3. {Definitions.} The following terms mean:

A. Congressional Delegation - all members of the United States Senate and House of Representatives from {insert state}.

B. Federal Encroachment on State Sovereignty - any exceedence of federal authority over state.

C. State Sovereignty - as related to the Tenth Amendment: The powers not delegated to the United States by the Con-

stitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

D. State - all agencies of the state including independent agencies, state colleges and universities.

F. Federal Mandate - a provision of federal law or regulation that is mandated on the state.

Section 4. (Designation of Federal Mandate/Federal Encroachment on State Sovereignty Auditor Powers & Duties.)

A. The federal mandate/federal encroachment on state sovereignty auditor shall make an inventory of all federal mandates and federal encroachment on the state. The federal mandate/federal encroachment on state sovereignty auditor shall make a calculation of the cost of these federal mandates to the different levels of government.

B. The federal mandate/federal encroachment on state sovereignty auditor shall issue a report by January 30th of each year, which shall contain:

- 1.** A summary of the cost of federal mandates on the state as well as full detail on cost by program and agency;
- 2.** A review of federal laws that exceed federal authority.
- 3.** The voting records of each member of the state's congressional delegation on all bills containing federal mandates and exceedences of federal authority.
- 4.** The report prepared pursuant to this section shall be sent to:

- a. The Governor;
- b. The state's United States Senators and Representatives;
- c. All members of the state legislature.

Section 5. {Ad Hoc Reports.}

Upon request of the Governor, the Speaker of the House, the President Pro Tem of the Senate, or the minority leaders of the House or Senate, the federal mandate auditor/encroachment of state sovereignty auditor shall prepare ad hoc reports estimating the cost of federal mandates to the state government and exceedence of federal authority in any proposed federal legislation. These reports shall be sent to all officials listed in subsection (3) of Section (5) of this act.

Section 6. {Severability Clause.}

Section 7. {Repealer Clause.}

Section 8. {Effective Date.}

CREDENTIALS

The model resolutions and model legislation included in the ALEC "Sovereignty of the People and Devolution" Agenda were developed and adopted by the ALEC Board of Directors Committee on State Sovereignty and ALEC Task Forces. "Sovereignty of the People and Devolution" was written by Wendell Cox, ALEC Director of State Legislation and Policy, and Samuel A. Brunelli, ALEC Executive Director.

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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

The American Legislative Exchange Council (ALEC) was founded in 1973 by a small group of Democratic and Republican state legislators who shared a common commitment to the Jeffersonian principles individual liberty, limited government, and the free market.

Today, ALEC has grown to become the nation's largest bipartisan, association of state legislators, with nearly 3,000 members. Nearly one-third of ALEC's members hold leadership positions in their legislatures, including 29 lower house speakers and 26 senate presidents or senate presidents and senate presidents *pro tems*. More than 125 million Americans are represented by the citizen legislators of ALEC.

ALEC brings the states and the nation together through conferences, seminars, publications, and its fifteen National Task Forces. Each provides a unique vehicle for legislators to communicate across state lines, share experiences and ideas, and work in unison with the private sector to create effective public policies.

ALEC's goal is to ensure that its legislative members are fully armed with the information, research and ideas they need to win in the legislative arena. ALEC publications keep members up-to-date on emerging trends and provide in-depth analyses of issues. ALEC conferences and meetings promote colleague to colleague communication by linking like-minded legislators together. ALEC National Task Forces provide a forum in which legislators and the private sector discuss issues, develop policies and write model legislation.

Unlike other state legislative organizations, ALEC believes that business should be an ally, not an adversary, of state legislators. ALEC provides the private sector with an unparalleled opportunity to have their voices heard, their perspectives appreciated, and their interests put before the nearly 3,000 pro-free market state legislators of ALEC. Through ALEC, legislators and the private sector work in a dynamic partnership to develop public policies that harness the immense power of free markets to encourage economic growth, increase the nation's competitiveness, and improve the quality of life for all Americans.

SCOMM

119:16

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 48

Revision Date: Feb. 8, 2000

Dept. Affected

Title: Free flow of people/trade

BRU

between Canada & U.S.

Component

Sponsor: PHILLIPS

Requester: H. WTR St/Fed 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)

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

Prepared by Donald M. Riehle WTR Staff

Phone 465-6643

Phone

Date 2-8-00

**Section 110 of the
Illegal Immigration Reform
and Immigrant Responsibility
Act of 1996**

SEC. 110. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) System.--Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will--

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Report.--

(1) Deadline.--Not later than December 31 of each year following the development of the system under subsection (a), the Attorney General shall submit an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate on such system.

(2) Information.--The report shall include the following information:

(A) The number of departure records collected, with an accounting by country of nationality of the departing alien.

(B) The number of departure records that were successfully matched to records of the alien's prior arrival in the United States, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

(C) The number of aliens who arrived as nonimmigrants, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

(c) Use of Information on Overstays.--Information regarding aliens who have remained in the United States beyond their authorized period of stay identified through the system shall be integrated into appropriate data bases of the Immigration and Naturalization Service and the Department of State, including those used at ports of entry and at consular offices.

HR 2202

SEPT. 24, 1996

ILLEGAL IMMIGRATION REFORM & IMMIGRANT RESPONSIBILITY ACT OF 1996

**State of Oregon
Draft Resolution**

DRAFT ONLY

RESOLUTION

Urging Congress to repeal Section 110 of the Illegal Immigration Reform & Immigrant Responsibility Act of 1996.

WHEREAS, The State of Oregon derives substantial economic benefit from tourism and trade; and

WHEREAS, Canada ranks number 1 as Oregon's source of international tourism, sending more than 400,000 tourists to this state in 1998; and

WHEREAS, Visitors from Canada make a major economic contribution to the State of Oregon by spending more than \$100 a day; and

WHEREAS, The United States has entered into international trade agreements with our Canadian neighbour to foster, encourage and stimulate the exchange of goods and products for mutual economic gain; and

WHEREAS, Canada is the State of Oregon's number 1 export market with some \$1.5 billion in transportation equipment, trucks, computers, semi-conductors, machinery, agricultural goods, forest products, furniture, aluminum, chemicals, metals, plastics, and seafood sold to Canada in 1998; and

WHEREAS, 70 percent of Canada - U.S. trade is shipped by truck, with some 30,000 truck crossings a day; and

WHEREAS, In 1995 President Bill Clinton and Prime Minister Jean Chretien signed the Shared Border Accord to facilitate the movement of goods and people across our common border; and

WHEREAS, Some 250,000 Oregonians travelled to and visited Canada in 1998; and

WHEREAS, Over 100 million people annually move across our common border with some 20 million crossing the border between the State of Washington and Canada; and

WHEREAS, The United States does not currently require travellers driving to Canada to stop, file paperwork and be interviewed by U.S. authorities at land border crossings; and

WHEREAS, Oregonians visiting Canada do not need to obtain visas, nor do Canadians visiting the United States have to obtain visas; and

WHEREAS, Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires that a new entry-exit control system be implemented to identify and track all foreign visitors entering and leaving the United States; and

WHEREAS, Section 110 would impose new border inspection requirements for the gathering of data at entry and departure points for vehicular traffic from Canada where none currently exists; and

WHEREAS, No inspection stations or other facilities for travellers departing the United States now exist at our land borders and would have to be constructed at a cost surely in the tens of millions of dollars; and

WHEREAS, Oregonians would be caught up in these new regulations each and every time they travel to and from Canada; and

WHEREAS, This new border entry-exit system would not provide for any enhancement of provisions for apprehending or removing illegal immigrants, drug traffickers, terrorists or other criminals and would not curtail illegal immigration at the border; and

WHEREAS, Congestion at our borders currently causes delays and waits running into the hours on busy travel days, and these delays and inconveniences are projected to grow exponentially; and

WHEREAS, These delays and inconveniences would surely disrupt and have a negative impact on the citizens and economy of the State of Oregon; and

WHEREAS, The National Governors Association and Council of State Governments West have expressed their opposition to Section 110; and

WHEREAS, United States Senate Bill 745 and United States House of Representatives Bill 1650 have been introduced to repeal Section 110; and

WHEREAS, The Cascadia (Oregon, Washington, British Columbia) Mayors Council unanimously approved a call for the repeal of Section 110 at their meeting on 7 May 1999; and

WHEREAS, Senator Gordon Smith of Oregon is a co-sponsor of SB 745; now, therefore, be it

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF OREGON, That Congress is hereby urged to repeal Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and be it further

RESOLVED, That Congress is encouraged to keep our common borders reasonably free of government over-involvement and to impose no new restrictions until infrastructure is available that can collect data and detect illegal and unwanted immigration without disrupting legitimate and beneficial trade and tourism; and be it further

RESOLVED, That this RESOLUTION be copied to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Oregon Congressional Delegation.

CGS-West

Council of State Governments-West

Resolution 98-8



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Carl Bianchi
Director Legislative Services, Idaho

Passed in
Anchorage
in Sept. 98

RESOLUTION 98-8

***Maintaining the Free Flow of People and Goods
Across the United States Border***

Introduced by the Trade and Transportation Committee

WHEREAS, the United States and Canada share the longest undefended border in the world and have the largest bilateral trading relationship in the world with over 125 million crossings by U.S. and Canadian citizens at the border each year, many at land borders; and

WHEREAS, implementation of Section 110 of the *Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)* passed by the U.S. Congress in 1996 requires the Attorney General to develop and implement an automated entry-exit control system to register "all aliens" entering and departing the United States, including Canadians; and

WHEREAS, Western states support increased trade with Canada and Mexico in the post NAFTA era, but also believe firmly in maintaining the employment, safety and environmental standards required by that agreement;

WHEREAS, strong and important ties link the United States with our land border neighbors, as reflected in trade which exceeds \$430 billion annually and in tens of millions of border crossing for business and tourism; and

WHEREAS, such a system will unnecessarily cause unreasonably long delays at the border, thereby seriously impeding trade, hindering tourism, and adversely affecting the economies of the 13-state region and four Pacific Island Territories of the CSG-WEST, and

WHEREAS, the U.S. Senate recently unanimously passed a Senate substitute amendment to S. 1360, which would prevent the legislation from going into effect at land borders and sea ports; and

WHEREAS, the transportation infrastructure in the West is vital to international trade and tourism and is uniquely affected by the vast distances between urban areas, by large amounts of public land and by poor transportation conditions on many Indian reservations;

RESOLUTION 98-8

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED that the CSG-*WEST* (Council of State Governments-*WEST*, Serving Western Legislatures) strongly supports S. 1360, the *Border Improvement and Immigration Act of 1997*, and urges the U. S. House of Representatives expeditiously to pass the Senate-passed legislation, which was sent to the House as a Senate Amendment to H.R. 2920; and

BE IT FURTHER RESOLVED that CSG-*WEST* urges its members to immediately contact their Congressional delegations to encourage their support of H.R. 2920 with the Senate Amendment, and endorses transmitting this policy position to the leadership of the U.S. Congress and the appropriate members of the U. S. Congress; and

BE IT FURTHER RESOLVED that U.S. trade authorities be urged to enforce safety, labor, environment and other side agreements of NAFTA and provide evidence of that enforcement.

***ADOPTED BY THE CSG-WEST EXECUTIVE COMMITTEE ON SEPTEMBER 22, 1998
ASSEMBLED IN ANNUAL MEETING IN ANCHORAGE, ALASKA.***

CL:am/anch/res/98-8

DRAFT

CSG EXECUTIVE COMMITTEE RESOLUTION

***Facilitating the Free Flow of People, Goods and
Services Across the U.S. - Canada Border***

—Passed by the CSG International Committee—
—December 4, 1999 in Québec City, Québec—

- Whereas,** In 1997, the International Committee and Governing Board of the Council of State Governments adopted a resolution urging Congress to amend Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to exempt Canadians from the requirements thereof; and
- WHEREAS,** The United States and Canada share the longest undefended border in the world; and
- Whereas,** The United States and Canada have the largest bilateral trade relationship in the world, exceeding \$1 billion every day and supporting more than two million jobs; and
- WHEREAS,** Canada is the #1 trading partner of 40 U.S. states; and
- Whereas,** The rate of cross border traffic is steadily increasing, with over 125 million crossings by U.S. and Canadian citizens each year, many at land borders; and
- Whereas,** Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires the U.S. Attorney General to develop an automated entry-exit control system to register "all aliens" entering and departing the United States; and
- Whereas,** Section 110 of the Act uses the word "alien" without any qualification and will include millions of Canadian citizens who enter the United States every year and have traditionally enjoyed the longstanding reciprocal privilege of summary inspection; and
- Whereas,** This control system has been delayed, but will still go into effect on March 31, 2001, imposing an unmanageable requirement on border crossing services and resulting in gridlock at crucial Canada - U.S. border crossings; and

Whereas, Canada and the United States continue to pursue joint policies to facilitate the cross-border movement of people and the fair trade of goods and services, including the 1995 Shared Border Accord and the Open Skies Agreement; and

Whereas, On October 8, 1999, the President of the United States and the Prime Minister of Canada agreed to create the Canada-U.S. Partnership (CUSP) intended to help streamline border policies and management and increase efficiencies in customs, immigration and law enforcement;

NOW THEREFORE BE IT RESOLVED, that the International Committee and Executive Committee of the Council of State Governments call on Congress to amend Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act to exempt Canadian citizens from the requirements thereof; and

BE IT FURTHER RESOLVED, that the Council requests Congress to provide additional resources to adequately facilitate the free flow of people and the fair trade of goods and services across the Canada - U.S. border; and

BE IT FURTHER RESOLVED, that the Council calls on the President to make this issue a legislative priority and urge Congress to amend Section 110 to exempt Canadian citizens; and

BE IT FURTHER RESOLVED, that the Council encourages state legislatures to pass resolutions urging the President, congressional leadership, and members of their congressional delegations to amend Section 110 to exempt Canadian citizens; and

BE IT FINALLY RESOLVED, that this resolution be transmitted directly to the President, to the leadership of the U.S. Congress, and to appropriate congressional members.

Adopted this 7th day of December, 1999, at the CSG Annual Meeting in Québec City, Québec.

Senator Kenneth McClintock, Puerto Rico
CSG Chairman

Canadian Consulate General

Background information on U.S – Canada Trade

Department of Foreign Affairs
and International Trade



Ministère des Affaires étrangères
et du Commerce international

UNCLASSIFIED

January 19, 2000

EXT 1507 (12/93)

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To/
Destinataire

The Honourable Gail Phillips
State House of Representatives
State Capitol
Juneau, AK 99801

Tel
Fax 907-465-2698

From/
De

Kevin Cook
Political & Economic Officer
Canadian Consulate General
412 Plaza 600
Sixth & Stewart Streets
Seattle WA 98101

Tel
Fax

No of pages including this page / Nombre de pages avec cette feuille: 22

COMMENTS/COMMENTAIRES:

Attn: Scott

Attached is information concerning section 110 IIRAIRA of 1996. Should there be any difficulty in reading the material from the embassy you can log on at www.canadianembassy.org and go to 'issues' or search under section 110.

Please let me know if I can provide any additional information.

Should Representative Phillips introduce such a resolution we would be most appreciative to receive a copy.

Thank you.

Kevin Cook



Department of Foreign Affairs
and International Trade
Embassy of Canada
Washington, D.C.

Ministère des Affaires étrangères
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Ambassade du Canada
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Alaska

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This document is available in Adobe Acrobat 3.0
format (PDF)

In 1989, the Canada-U.S. Free Trade Agreement went into effect, phasing out all tariffs and many non-tariff barriers to trade. Beginning in 1994, the North American Free Trade Agreement (NAFTA) opened the Mexican market to Canada and the United States. Two-way trade in goods, services and income between Canada and the United States totalled \$397 billion in 1998, the largest bilateral exchange in the world.



Alaska and Canada have a mutually beneficial exchange. In 1998, they traded a total of \$492 million worth of goods, an increase of 27 per cent over the previous year. Alaska sold Canada \$205 million in merchandise, while its imports from Canada totalled \$287 million.

Alaska exports natural and refined resources... Alaska's leading export to Canada in 1998 was metals, which accounted for \$91 million of the state's exports. Fish accounted for 23 per cent of the total, \$47 million, and energy products for 5 per cent, \$11 million, of which \$8 million was fuel oil. Crude wood materials accounted for 15 per cent of exports, or \$30 million.

And transportation equipment. Alaska sold Canada \$7 million worth of transportation equipment, including \$5 million in aircraft engines and parts.

Canada supplies Alaskan industries and consumers with machinery... Alaska's largest category of imports from Canada was machinery, more than \$140 million worth. Alaska also bought \$14

million worth of forest products, led by \$8 million in softwood lumber.

Equipment and metals... Another important group of Alaska's imports was equipment and tools, which totalled \$26 million, and included \$5 million in electrical lighting and distribution equipment. Canada also provided Alaska's industries with \$11 million worth of metals and metal products, including \$7 million in fabricated metals.

Transportation and chemicals... Alaska bought \$14 million worth of Canadian transportation equipment, including \$8 million in trucks and \$7 million in motor vehicle engines and parts. The state's imports of chemicals and allied products totalled \$11 million, including \$3 million in organic chemicals and \$3 million in fertilizers.

And Tourism adds millions to the exchange. In 1998, 62,200 Canadians visited Alaska for one night or more and spent \$34 million while 109,200 residents of Alaska spent \$32 million in Canada.

July 1999

For more information on Canada's trade with Alaska, please contact:

Consulate General of Canada
412 Plaza 600
Sixth and Stewart
Seattle, WA 98101-1286
Tel: (206) 443-1777
Fax: (206) 443-1782

All figures are in U.S. dollars. Merchandise trade and tourism figures are from Statistics Canada, converted at the rate of US\$1.00=C\$1.4831.

Arizona

Alaska

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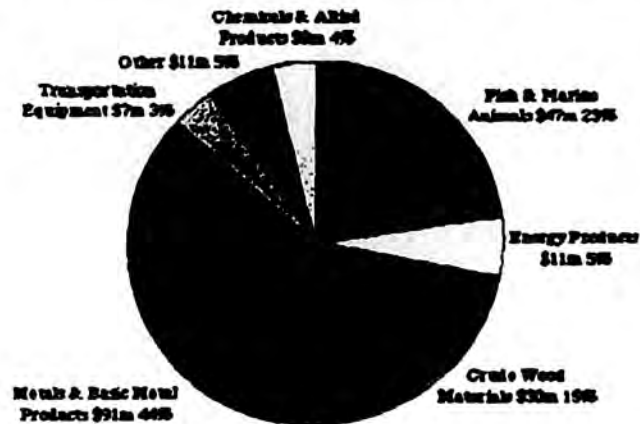
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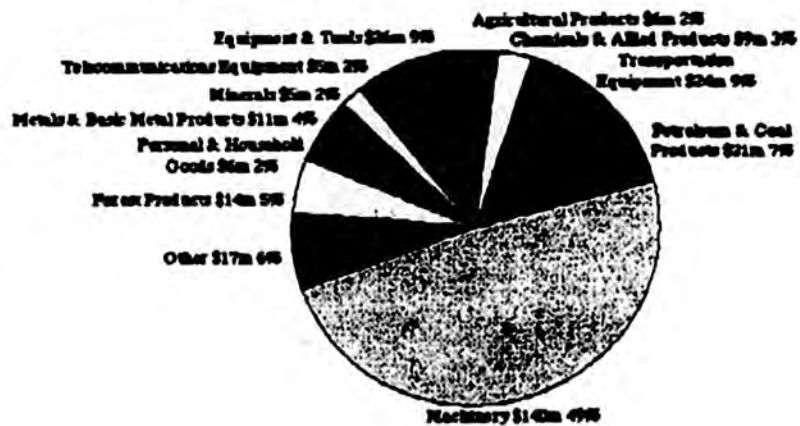
All figures are in U.S. dollars.

Alaska's Merchandise Exports to Canada 1998, By Percentage of Total, In Millions of U.S. Dollars



Total exports to Canada: \$205 million

Alaska's Merchandise Imports from Canada 1998, By Percentage of Total, In Millions of U.S. Dollars



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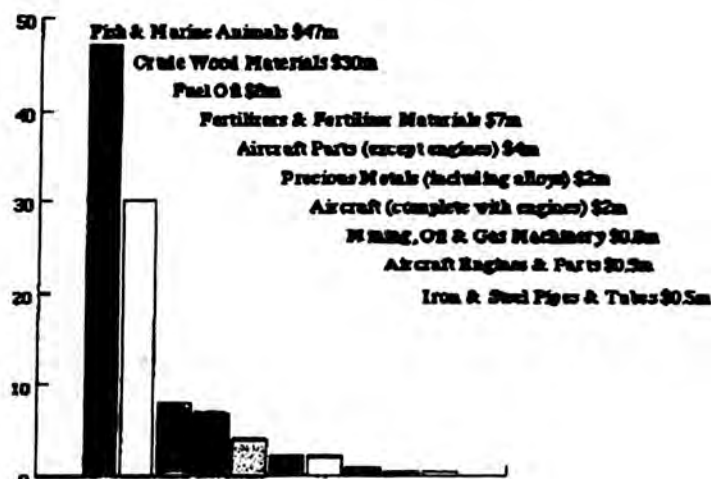
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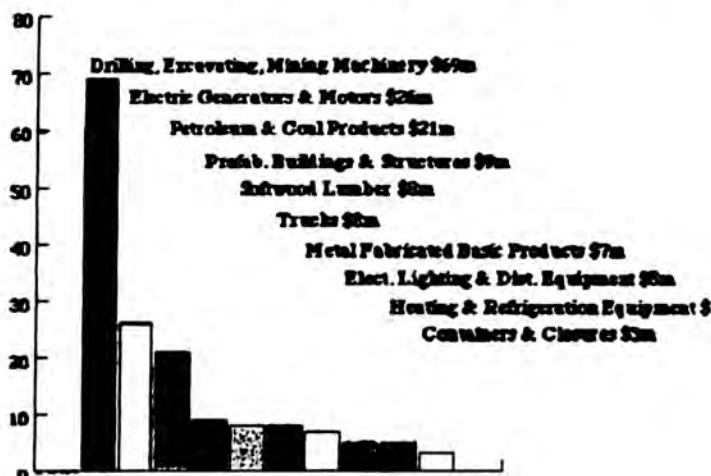
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July 1999

Alaska's Leading Exports to Canada 1998, In Millions of U.S. Dollars



Alaska's Leading Imports from Canada 1998, In Millions of U.S. Dollars



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Canada's concerns about Section 110 of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act of 1996

Citizens of Canada and the U.S. have long enjoyed free and easy access across their shared border for family visits, tourism and trade. As a result, they have developed extensive personal ties and the largest trading relationship in the world, amounting to a billion dollars a day and supporting millions of jobs in both countries. The smooth movement of people and goods across the border is now seriously threatened by a provision of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110 of the Act requires the Immigration and Naturalization Service to have in place by March 30, 2001, an automated system to document the entry and departure of every "alien" arriving and leaving the United States. If this provision is implemented, the millions of people who enter the U.S. from Canada and Canada from the U.S. every year would be required to stop at the border, tying up traffic for miles at already crowded border points. This congestion would severely disrupt the flow of goods and services across the border.

The intent of Section 110 was to monitor the extent of immigration abuse by visa holders and nationals of countries that benefit from a visa waiver program. Canadians have historically been exempt from the requirement to obtain a visa to enter the U.S. Moreover, apprehensions for immigration violations along the Canadian border by the U.S. Border Patrol account for only one per cent of the nationwide total.

In 1995, President Clinton and Prime Minister Jean Chrétien signed an accord to facilitate the movement of goods and people across our shared border and to cooperate in combatting illegal immigration, the smuggling of drugs and other contraband, and cross-border crimes. Erecting border controls such as those that would be imposed under Section 110 runs counter to the spirit of that accord.



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Drug Trafficking and the United States-Canada Border

April 1999

Canadian legislative framework to prevent the admission of drug traffickers

Canada has one of the most comprehensive sets of policy tools in the world to prevent the admission of criminals and members of criminal organizations and remove them from its territory. In fact, some of these tools inspired U.S. legislators to adopt similar provisions in the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. For example:

- Canada's Minister of Citizenship and Immigration and Solicitor General can issue security certificates which allow the removal from Canada of someone who poses a security threat. This is used against serious foreign criminals.
- Immigration officers can refuse visas or deny/revoke admission to anyone who has committed an indictable offence or a combination of misdemeanours.
- Immigration officers can refuse visas or deny/revoke admission to anyone whom they have reasonable grounds to believe is a member of a criminal organization. This provision is used regularly at Canadian visa offices around the globe and at Canadian ports of entry.

Drug trafficking at the northern border

The United States and Canada are equally concerned about the movement of drugs across their shared border. Officials of both countries work in close cooperation in this regard, recognizing that the movement of illicit drugs occurs in both directions. In fact, according to U.S. law enforcement sources, more illicit drugs enter Canada from the United States than the reverse.

The importance of bilateral cooperation

The ability of any country to prevent the admission of drug traffickers depends on the intelligence it possesses and the screening process it has in place to use this intelligence. A close partnership between U.S. and Canadian law enforcement authorities is the best strategy to prevent the movement of drugs in both directions between the United States and Canada and to apprehend drug traffickers.

One example of this partnership is the Memorandum of Understanding on shared research for customs enforcement equipment, signed between the United States and Canada under the 1995 Shared Border Accord. This joint effort has led to the development and use of technologies such as ion mobility spectrometers (ionscans), which increase the capacity of authorities in both countries to detect traces of illegal drugs and thus stop drug traffickers and interdict shipments.

IIRIRA Section 110 would have no impact on the admission of drug traffickers or drug trafficking

The most effective way to prevent the admission of drug traffickers is to develop the ability to identify them and deny them access, ideally at the visa post and as a last resort at the port of entry. Section 110 would be of no use for this purpose because the proposed entry controls would not add any screening value in terms of either enhancing the quality or quantity of the intelligence available, or applying it through lookouts at visa offices and border crossing points. The proposed exit controls would obviously be of no use in this respect either. Section 110 would be especially ineffective with respect to drugs, the vast majority of which are smuggled into the United States as part of commercial freight shipments, not by individual travellers.

A regional security approach is the most effective way for the United States and Canada to secure their shared border

The United States and Canada share the longest undefended border in the world. The two-way movement of drugs and drug traffickers across that border is a mutual concern, which the two countries are addressing through their long-standing cooperative relationship. A screening strategy that targets only ports of entry will not address smuggling activities across the border in either direction between ports of entry. The geo-physical nature of the border makes total control impossible.

In this context, the best enforcement strategy against drugs and drug traffickers is a regional one that focusses key screening efforts at the two countries' external borders through the use of joint intelligence, harmonized lookouts and common detection techniques. This is a much more effective way of increasing public safety than spending billions of dollars (in infrastructure costs alone) to develop an entry-exit control system that offers no added enforcement value.



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Terrorism and the United States-Canada Border

April 1999

Canadian legislative framework to prevent the admission of terrorists

Canada has one of the most comprehensive sets of policy tools in the world to prevent the admission of terrorists and remove them from its territory. In fact, some of these tools inspired U.S. legislators to adopt similar provisions in the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. For example:

- The Canadian Minister of Citizenship and Immigration and Solicitor General can issue security certificates which allow the removal from Canada of someone who poses a security threat.
- Immigration officers can refuse visas or deny/revoke admission to anyone whom they have reasonable grounds to believe is a member of a terrorist organization. This provision is used regularly at Canadian visa offices around the globe and at Canadian ports of entry.

Movement of terrorists at the northern border

The United States and Canada are equally concerned about the movement of terrorists across their shared border. The available evidence indicates that this movement occurs in both directions. Officials of both countries work in close cooperation in this regard. For example:

- The intelligence agencies of both countries regularly share intelligence information on terrorists, resulting in better "lookouts" on both sides of the border to prevent their admission.

Terrorism and the United States-Canada Border

- This exchange of information has been enhanced in a systematic way to ensure that our respective lookouts screen the same most-wanted terrorists.
- The United States and Canada are engaged in discussions to enhance regional security and make their shared border even safer and more efficient through the harmonization of lookouts, not only for terrorists but also for foreign criminals and other undesirables.

The importance of bilateral cooperation

The ability of any country to prevent the admission of terrorists depends on the intelligence it possesses and the screening process that it has in place to use this intelligence.

The critical importance of this kind of intelligence was demonstrated by the bombing of the World Trade Center in New York. Sheik Omar Abdel-Rahman obtained a visa directly from the U.S. visa post in Khartoum, Sudan, which did not have the same modern lookout system as other U.S. visa posts.

Much publicity has been given to the case of Mr. Gazi Ibrihim Abu Mezer, who was arrested in Brooklyn in August 1997 after the police were informed that he and a friend were planning a bomb attack on the New York subway. Mr. Mezer had been apprehended three times while attempting to smuggle himself into the United States from Canada. He was never detained or prosecuted as a terrorist prior to his arrest because there was no intelligence in either country suggesting that he was one.

In contrast, Mr. Hani Abdel Rahim Sayegh, a member of the Saudi Hizbollah who entered Canada by travelling through the United States, was identified, detained and deported back to the United States in July 1997 because such intelligence was available.

IRIRA Section 110 would have no impact on the admission of terrorists

The most effective way to prevent the admission of terrorists is to develop the ability to identify them and deny them access, ideally at the visa post and as a last resort at the port of entry. Section 110 would be of no use for this purpose because the proposed entry controls would not add any screening value in terms of either enhancing the quality or quantity of the intelligence available, or applying it through lookouts at visa offices and border crossing points. The proposed exit controls would obviously be of no use in this respect either.

A regional security approach is the most effective way for the United States and Canada to secure their shared border

The United States and Canada share the longest undefended border in the world. The two-way movement of terrorists across that border is a mutual concern, which the two countries are addressing through their long-standing cooperative relationship. A screening strategy that targets only ports of entry will not address people who smuggle themselves across the border in either direction between ports of entry. The geo-physical nature of the border makes total control impossible.

In this context, the best enforcement strategy against terrorists is a regional one that focusses key screening efforts at the two countries' external borders through the use of joint intelligence and harmonized look-outs. This is a much more effective way of increasing public safety than spending billions of dollars (in infrastructure costs alone) to develop an entry-exit control system that offers no added enforcement value.


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Illegal Immigration and the United States-Canada border

Canadian legislative framework and administrative strategy to combat illegal immigration

Canada is a world leader and the United States' closest ally in the fight against illegal immigration. Canada's legislative framework of preventive and punitive measures to discourage smuggling and illegal entry is highly convergent with that of its southern neighbor.

Canada's inadmissibility regime to prevent the admission of terrorists, organized criminals and war criminals inspired several provisions in the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

Canada was the first country, in the late eighties, to recognize the importance of preventing illegal immigration offshore by establishing an overseas network of immigration control officers, an initiative now replicated by most OECD member countries, including the United States with its "Global Reach" concept. Canada has also replaced the traditional carrier liability policy with a proactive carrier administrative policy, which the International Air Transport Association has hailed as a model for the rest of the world.

Canada has been similarly innovative in dealing with overstays and other immigration violations, as well as in using data on such violations to refine both visa policy and visa issuance. In so doing Canada has incorporated many of the data linkages and feedback mechanisms recommended by Michael Bromwich, the Inspector General of the U.S. Department of Justice, in his September 1997 report on the Immigration and Naturalization Service (INS) Non-Immigrant Information System.

In Canada, all cases in which a person in possession of a valid visa enters the enforcement stream (i.e., overstay, illegal work, asylum claim or adjustment of status) are immediately reported to the overseas post that issued the visa. Information on these cases is also collected and analyzed to discern trends, which are reported to visa officers to guide the assessment of risk in their daily decision-making. On several occasions this information has supported decisions to reimpose or lift visa requirements.

Canada has also developed the System Support for Intelligence, which collects and analyzes intelligence and provides both event and trend feedback to overseas posts and air carriers, thus allowing them to constantly read and react to illegal immigrant smuggling patterns. Finally, Canada has been a leader in discouraging the life-threatening practice of illegal immigrants trying to cross the ocean as stowaways in cargo containers by developing a CO2 reader to detect human presence in these containers.

Canadian assessment of entry-exit controls

at the border, in the interior and overseas work together closely and continuously to prevent illegal immigration to both our countries, as illustrated by the following examples:

- In February 1997 U.S. and Canadian officials informed and assisted the Government of Senegal in the successful interdiction of the "Africa Queen", a vessel that was about to carry 190 Sri Lankan nationals to North America. This was the second successful joint interdiction operation in West Africa in as many years;
- In October 1998 INS and the Royal Canadian Mounted Police (RCMP) announced the arrest of 35 people involved in smuggling Chinese nationals from Canada into the United States through the Akwesasne Indian reserve as a result of Operation Over the Rainbow II. This was a follow-up to Operation Over the Rainbow I, which had led to the arrest by the RCMP of 20 people involved in smuggling Chinese nationals into Canada;
- On several occasions and most recently in December 1998, using the intelligence tools described earlier, Canadian officials alerted their U.S. colleagues to large-scale misrepresentations by nationals of Eastern Europe and Africa on their applications to obtain U.S. visas solely for the purpose of gaining illegal access to Canada.

In November 1997 U.S. Attorney General Janet Reno and Minister for Citizenship and Immigration Canada (CIC) Lucienne Robillard agreed to build on this successful cooperation by encouraging their officials to formalize and systematize their partnership in what is now known as the Border Vision exercise. This exercise is consistent with the facilitation of legitimate travel, enhanced enforcement against illicit movements and cost reduction objectives of the Shared Border Accord, announced by Prime Minister Chrétien and President Clinton during the latter's 1995 visit to Ottawa.

INS, State Department and CIC officials are working hard on a number of new initiatives to pool their resources and protect their respective citizens against the threats associated with illegal immigration and the movement of terrorists, drug traffickers and other criminals. Both countries have taken concrete steps to systematically and regularly share information on known or suspected terrorists to ensure their early detection.

Officials hope to extend this arrangement to international criminals and other threats in the future. A new information-sharing instrument, consistent with our respective privacy laws, to support daily immigration enforcement efforts is almost complete.

Exchanges of information on visa issuance resulting in illegal immigration are now formalized and systematic. A joint map of trends in illegal immigrant smuggling to both countries and resources available overseas to combat them has been developed.

A regional security approach is the most effective way for the United States and Canada to secure their shared border

The United States and Canada share the longest undefended border in the world. The two-way movement of illegal immigrants across that border is a mutual concern, which the two countries are addressing through their long-standing cooperative relationship.

Investing in a system to capture information on entries and exits only at ports of entry will increase scrutiny on legitimate travelers and fail to address smuggling activities across the border in either



direction between ports of entry. The geo-physical nature of the border makes total control impossible.

In this context, the best enforcement strategy against illegal immigration is a regional one that focuses key deterrence efforts overseas and at the two countries' external borders through the use of joint intelligence, harmonized lookouts and common interdiction strategies. This is a much more effective way of increasing public safety than spending billions of dollars (in infrastructure costs alone) to develop an entry-exit control system that offers no added enforcement value.

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Section 110 Spells Trouble for Tourism, Trucking and Trade

February 1998



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Canadians and Americans have long enjoyed free and easy access across our shared border

Canada and the United States have a long practice of not requiring the majority of their citizens to fill out formal documentation to enter each other's country. At present, travellers leaving the U.S. do not have to stop at U.S. Customs upon departing. Under Section 110, every vehicle would have to stop in both directions, so that the entry and departure of non-U.S. citizens could be documented. It is easy to see how the inevitable massive traffic jams would discourage tourism in both directions.



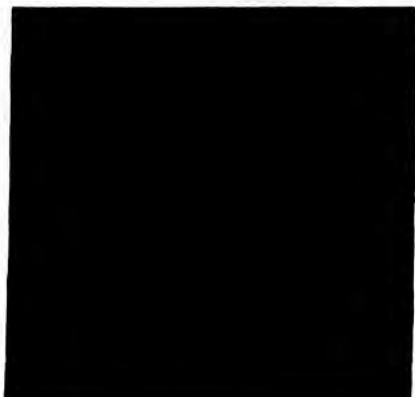
In 1996, Canadian visitors spent a total of \$7.3 billion in the United States, not including international transportation fares. The livelihoods of millions of workers in the tourism industries across the United States — hotel and restaurant employees, theme park workers, rental car dealers, souvenir sellers and a host of others — not to mention sales tax revenues for the states, would be put at risk if the smooth flow of visitors were interrupted.



Trucks are the lifeblood of Canada-U.S. trade

Eighty per cent of U.S. exports to Canada and 70 per cent of total bilateral merchandise trade is shipped by truck. More than 30,000 commercial vehicles now move across the Canada-U.S. border every day, and this number is growing by about 9 per cent a year. Any delays at the border would have a serious impact on buyers and sellers of goods in both countries and could affect hours-of-service limits for drivers, increasing operating costs for trucking

companies.



Traffic jams would hurt businesses and jobs across the United States

In 1997, the United States exported over \$150 billion worth of goods to Canada, which, according to U.S. Government calculations, supported more than 2,250,000 jobs across the country. Half of U.S. exports to Canada are produced in 14 states that are not on the border. Ranked by volume of exports to Canada in 1996, they are: Ohio, Illinois, California, Texas, Indiana, Pennsylvania, North Carolina, Massachusetts, Wisconsin, New Jersey, Tennessee, Kentucky, Missouri and Georgia. If the smooth flow of goods across the border were interrupted, jobs and economic activity in every state in the nation would be affected.

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Section 110 Spells Trouble for Tourism

Section 110 of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires the Immigration and Naturalization Service to have in place by September 30, 1998, an automated system to document every non-U.S. citizen entering and exiting the United States. If this provision is implemented, it would cause massive congestion at land border crossings between Canada and the United States and threaten tourism industries on both sides of the border, which together bring in a total of US\$10.5 billion to the two economies.

Canadians and Americans have long enjoyed free and easy access across our shared border

Canada and the United States have a long practice of not requiring the majority of their citizens to fill out formal documentation to enter each other's country. At present, travellers leaving the U.S. do not have to stop at U.S. Customs upon departing. Under Section 110, every vehicle would have to stop in both directions, so that the entry and departure of non-U.S. citizens could be documented. It is easy to see how the inevitable massive traffic jams would discourage tourism in both directions.

Canadians and Americans love to visit each other

Canada is the most important source of foreign visitors for the United States and vice-versa. In 1997, 15 million Canadians visited the United States for at least one night, and 13 million Americans took overnight trips to Canada. These figures don't include

the 35 million Canadians and 25 million Americans who crossed the border to shop or visit for the day.

Tourists prefer to travel by car

Not surprisingly, most travellers who crossed the border for the day went by car. In addition, two-thirds of Canadians who took overnight trips to the United States — more than 10 million travellers — and 63 per cent of Americans visiting Canada overnight — over 8 million — chose to travel by car.

These figures add up to a lot of people in both countries who would be seriously inconvenienced by Section 110 traffic jams. How many would decide that crossing the border is just too much trouble?

Canadian tourists inject billions into the U.S. economy

In 1996, Canadian visitors spent a total of \$7.3 billion in the United States, not including international transportation fares.

The livelihoods of millions of workers in the tourism industries across the United States — hotel and restaurant employees, theme park workers, rental car dealers, souvenir sellers and a host of others — not to mention sales tax revenues for the states, would be put at risk if the smooth flow of visitors were interrupted.

Section 110 takes us in the wrong direction

Section 110 goes against years of cooperative efforts between the United States and Canada to cut red tape at the border. We need laws to make travel between our countries easier, not more difficult.

For more information, visit the Canadian Embassy's web site at:

www.cdnemb-washdc.org/section110

Canada

Canadian Embassy / Ambassade du Canada
501 Pennsylvania Avenue, NW
Washington, D.C. 20001
(202) 682-1740

February 1998



Department of Foreign Affairs
and International Trade
Embassy of Canada
Washington, D.C.

Ministère des Affaires étrangères
et du Commerce international
Ambassade du Canada
Washington, D.C.

Français

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Section 110 = Congestion

February 2000

NOW

If a Canadian in Ontario (for example) decides to take the family across the border to the U.S., the group gets in the car and proceeds to a U.S. port of entry, say Buffalo, N.Y. There the U.S. official will:

- ask a few basic questions, possibly ask to see some form of ID and perform a brief visual inspection of the vehicle;
- wave the family into the U.S.

The average inspection time now is 30 seconds or less. For 95% of the 76 million Canadians or U.S. permanent residents who enter the U.S. each year, there is no recorded entry and no documentation.

On its return to Canada, the family does not have to stop on the U.S. side of the border. It stops only at Canada Customs.

Under Section 110

If a Canadian family decides to go for an outing across the border, at the U.S. point of entry:

- each member of the family has to stop and fill out an admission form with basic biographical data;
- a U.S. official must then review the information on the form;
- he/she must cross-check the IDs of all the passengers in the vehicle against the information on the form, as well as perform a visual inspection of the vehicle;
- information on the arrival of each person must then be entered into an electronic database, 76 MILLION TIMES PER YEAR;
- finally, the family would be waved into the U.S.

The total inspection time is multiplied many times.

But this is not the end of the story. When the family gets in the car to return to Canada, it must now check in at the U.S. border station to undergo a repeat full inspection, including a cross-check of IDs and registration of all departures.

U.S. Congress
S. 745
Recommended amendments
to IIRIRA of 1996

Bill Summary & Status for the 106th Congress**[NEW SEARCH](#) | [HOME](#) | [HELP](#)****S.745**Sponsor: [Sen Abraham, Spencer](#) (introduced 3/25/1999)

Latest Major Action: 3/25/1999 Referred to Senate committee

Title: A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

Jump to: [Titles](#), [Status](#), [Committees](#), [Related Bill Details](#), [Amendments](#), [Cosponsors](#), [Summary](#)**TITLE(S):** (*italics indicate a title for a portion of a bill*)

- **SHORT TITLE(S) AS INTRODUCED:**
[Border Improvement and Immigration Act of 1999](#)
- **OFFICIAL TITLE AS INTRODUCED:**
A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

STATUS: (*color indicates Senate actions*) ([Floor Actions/Congressional Record Page References](#))**3/25/1999:**

Read twice and referred to the Committee on Judiciary.

COMMITTEE(S):

Committee/Subcommittee:	Activity:
Senate Judiciary	Referral

RELATED BILL DETAILS:

NONE

AMENDMENT(S):

NONE

COSPONSORS(27), ALPHABETICAL: (Sort: [by date](#))

Sen Burns, Conrad R. - 3/25/1999	Sen Cochran, Thad - 3/25/1999
Sen Collins, Susan M. - 3/25/1999	Sen Craig, Larry E. - 3/25/1999
Sen DeWine, Michael - 3/25/1999	Sen Dorgan, Byron L. - 3/25/1999
Sen Durbin, Richard J. - 4/19/1999	Sen Gorton, Slade - 3/25/1999
Sen Graham, Bob - 3/25/1999	Sen Grams, Rod - 3/25/1999
Sen Hagel, Chuck - 4/19/1999	Sen Inouye, Daniel K. - 3/25/1999

<u>Sen Jeffords, James M.</u> - 3/25/1999	<u>Sen Kennedy, Edward M.</u> - 3/25/1999
<u>Sen Leahy, Patrick J.</u> - 3/25/1999	<u>Sen Levin, Carl</u> - 3/25/1999
<u>Sen Mack, Connie</u> - 3/25/1999	<u>Sen McCain, John</u> - 3/25/1999
<u>Sen Moynihan, Daniel Patrick</u> - 3/25/1999	<u>Sen Murkowski, Frank H.</u> - 3/25/1999
<u>Sen Murray, Patty</u> - 3/25/1999	<u>Sen Robb, Charles S.</u> - 7/22/1999
<u>Sen Santorum, Rick</u> - 3/25/1999	<u>Sen Schumer, Charles E.</u> - 3/25/1999
<u>Sen Smith, Gordon</u> - 3/25/1999	<u>Sen Snowe, Olympia J.</u> - 3/25/1999
<u>Sen Voinovich, George V.</u> - 6/7/1999	

MOST RECENT SUMMARY:

3/25/1999--Introduced.

Border Improvement and Immigration Act of 1999 - Amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with respect to the automated entry-exit control system to exempt from required recordkeeping: (1) land border crossings and seaports; and (2) permanent resident and certain other aliens.

(Sec. 3) Requires the Attorney General to report: (1) on the feasibility of implementing an automated entry-exit control system that would include land border and seaport arrivals and departures; and (2) annually on the development status of the automated entry-exit control system, and on visa overstays identified through such system. Requires integration of overstay information into Department of State and Immigration and Naturalization Service (INS) databases.

(Sec. 5) Authorizes appropriations for INS and United States Customs Service border control and enforcement activities. Sets forth specified set-asides. Authorizes: (1) use of equipment funds for new technologies; and (2) transfer up to ten percent of specified set-asides for other equipment uses. Sets aside specified funds for peak hours and investigative resource enhancement.

Provides for increased numbers of full-time INS and Customs inspectors at U.S. land borders.

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S.745

Border Improvement and Immigration Act of 1999 (Introduced in the Senate)

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Border Improvement and **Immigration** Act of 1999'.

SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL- Section 110(a) of the Illegal **Immigration** Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

'(a) SYSTEM-

'(1) IN GENERAL- Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will--

'(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

'(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

'(2) EXCEPTION- The system under paragraph (1) shall not collect a record of arrival or departure--

'(A) at a land border or seaport of the United States for any alien; or

'(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the **Immigration** and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the **Immigration** and Nationality Act.'

(b) **EFFECTIVE DATE**- The amendment made by subsection (a) shall take effect as if included in the enactment of the **Illegal Immigration Reform and Immigrant Responsibility Act of 1996** (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) **REQUIREMENT**- Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

(b) **CONTENTS OF REPORT**- Such report shall--

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring--

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 4. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND USE OF ENTRY-EXIT CONTROL DATA.

(a) **ANNUAL REPORTS ON IMPLEMENTATION OF ENTRY-EXIT CONTROL AT AIRPORTS**- Not later than 30 days after the end of each fiscal year until the fiscal year in which the Attorney General certifies to Congress that the entry-exit control system required by section 110(a) of the **Illegal Immigration Reform and Immigrant Responsibility Act of 1996**, as amended by section 2 of this Act, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that--

SCOMM

119:17



Official Business

MEMBER
Natural Resources
Committee

Alaska State Legislature

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

REPRESENTATIVE
RAMONA L. BARNES
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MEMORANDUM

TO: Members

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

DATE: February 10, 2000

SUBJECT: Committee Meeting Announcement

A handwritten signature in cursive script, appearing to read "Ramona", written over a horizontal line.

The House Committee on World Trade & State/Federal Relations will hold a meeting on Tuesday, February 29, 2000 in room 124. The meeting will commence at 5 p.m.

The purpose of the meeting is to hear HJR 51 (James), U.S.-Canada Rail Feasibility Study, and receive a briefing from Chairman Howard Benedict on Alaska Seafood International, in Anchorage.

ALASKA STATE LEGISLATURE

REPRESENTATIVE
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House of Representatives
House District 34

Sponsor Statement, HJR 51

Revised 2/1/00

The purpose of this resolution is to lend support to Senator Frank Murkowski's effort to authorize and fund a feasibility study on connecting Alaska to the rest of North America by rail.

Connecting Alaska to the rest of the North American rail system brings with it tremendous possibilities for expanding and improving the economy and transportation infrastructure of the state. A railroad connection to the lower 48 could quickly benefit Alaska's mining, agriculture, tourism, manufacturing, military and oil and gas sectors, while lowering the costs of bringing goods into the state.

To realize this goal, Senator Murkowski is proposing legislation to establish a bilateral commission charged with the task of completing a feasibility study. This study would help determine the best route, identify markets and estimate construction costs.

It is my belief, that by passing HJR 51, the Alaska Legislature will send a strong message in support of completing this feasibility study.

MEMORANDUM

TO: Ramona
FROM: Mark
DATE: February 25, 2000
SUBJECT: HJR 51 (James)

HJR 51: "Expressing support for a cooperative United States-Canada feasibility study on extending the North American rail system through British Columbia and the Yukon Territory to Alaska."

Under HJR 51 and in support of the effort by Senator Frank Murkowski, the Alaska Legislature would request the governments of the United States and Canada to complete a cooperative feasibility study to examine costs and benefits of linking the railroads of Alaska, Yukon Territory, and British Columbia with the North American rail system.

The Alaska Legislature requests the governments of the U.S. and Canada to establish a bilateral commission that represents local governments, business and aboriginal interests to define goals-objectives for the study noted above and report the findings to the appropriate U.S. and Canadian entities.

It is believed such a rail connection would bring economic benefits to many elements of the Alaska economy including mining, agriculture, tourism, the oil industry, the military and others.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSIONBILL NO. HJR 51Revision Date: 2-26-00

Dept. Affected

Title: US-Canada feasibility study to

BRU

extend No. American rail syst to BC/Yukon

Component

Sponsor: Rep. JamesRequester: H. WTR

Component Serial No.

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
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

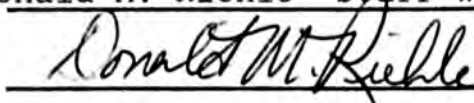
Estimate of any current year (FY00) cost:

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 agencies.

Prepared by Donald M. Riehle staff-WTRPhone 465-6643


Phone

Date 2-25-00

Rails to Resources

Bringing Alaska and the Yukon closer to the world



United States Senator Frank H. Murkowski

Alaska-Canada Rail-Link Conference

January 20, 2000

Vancouver, British Columbia

Rails to Resources

Frank H. Murkowski, United States Senator

The following are excerpts of a speech given by Senator Frank H. Murkowski to the CAN/AM Border Trade Alliance on September 14, 1999. The opening section, which discussed the Canada-U.S. Interparliamentary Group, was not included.

I'm very happy to see you all. No bilateral relationship is closer than the one between Canada and the U.S. It deserves the care and feeding this group can give it, and I hope you never lose that sense of mission.

[Canada-U.S. Interparliamentary Group discussion]

Let me take just another few minutes to talk about something else of vital importance to us all.

I want you to imagine for a moment that Canada and the United States have suddenly been given an opportunity to jointly acquire a huge new territory — as big as the Yukon Territory and Alaska combined.

This splendid land is full of natural resources: gold, silver, lead, zinc, copper, and lesser metals; hardwood and softwood timber; fish, wildlife — and truly splendid vistas for the tourist.

Best of all, it is still largely untouched. All we have to do is reach out for it....

Wouldn't that be a wonderful opportunity for the growth of both our countries?

The fact is, we **ALREADY** have such a region. What we don't have is a fast and efficient way to get goods and people there and back again.

The Alaska Railroad cuts through the center of Alaska from the coast to Fairbanks, less than three hundred miles from the Canadian border.

In Canada, there are two sets of track running as far north as Fort Nelson on one route, and beyond Fort St. James on the other. In both cases, it would take only about 900 additional miles of track to reach Alaska.

I want to enlist the Canadian/American Border Trade Alliance in the growing movement to bring Alaska and the Yukon into the transcontinental rail system.



Senator Frank H. Murkowski of Alaska

The logical route through Canada passes through one of the richest mining districts on the continent, but one which is so remote that few people have ever visited it, and which will probably never be developed without rail transportation. The same goes for the area's timber resources. And it applies to areas of Alaska that also require rail transportation to reach their full potential.

One possible route, from Prince George, British Columbia to Fairbanks, was even surveyed by the U.S. Army Engineers in 1942. So this is not a new idea — it's a project that could have been done, and should have been done, but has been delayed for decades.

Let's resurrect it.

Yes, it would be expensive. Yes, it is visionary in a way that is seldom seen today. But do those things make it intrinsically a bad idea? I

don't think so.

Let's look at it with an open mind. The Interparliamentary group has discussed and understands the need for a whole series of north-south transportation corridors to facilitate the movement of goods and people within North America. This should be seen as a part of that concept.

For those from Canada, think of it as a revival and elaboration of the "Roads to Resources" initiative you had underway years ago. Call it "Rails to Resources." It was a good idea then, and it still is today.

I propose a public/private alliance to conduct a comprehensive feasibility study. Let's join forces to make a modest investment to examine this carefully.

- US Senator Frank H. Murkowski

The Alaska State Legislature recently reauthorized the acquisition of a right-of-way to the border. They haven't spent the money yet — they're just making sure their options remain open. I'd like to see the same thing done in Canada, at the Federal, provincial and territorial levels, as appropriate.

This isn't pie in the sky. We need to start with a cold, calculated look at the project's feasibility, and that's where you come in.

I propose a public/private alliance to conduct a comprehensive feasibility study. Let's join forces to make a modest investment to examine this carefully.

We should look at possible routes with several things in mind: maximizing potential traffic by building adjacent to the most valuable resources, minimizing costs by looking at the best terrain,

maximizing potential passenger usage for tourism, and minimizing environmental impacts.

And when it comes to protecting the environment, let's also look at establishing a corridor large enough to accommodate future growth.

Doesn't it make sense to combine things like rail lines, major highways, electrical transmission lines and pipelines as much as possible, so that the rest of the countryside is affected as little as possible? I think it does.

When we're done, we should have in hand virtually everything necessary to move directly into preparing a detailed environmental impact statement for a specific proposal: a preferred route, knowledge of the engineering challenges and costs involved, an understanding of the potential for both freight and passenger movement.

So, here's the bottom line: business is business, and when the nation's business improves, your business improves.

When you leave this meeting, I want you to think seriously about this proposal. I want you to call your executive director, Jim Phillips, and tell him what you think. Write to me, and give me your thoughts. And I want you to write to your own Congressmen, MP's and Senators, and tell **THEM** why you think this will help both of our countries' economies.

With your support, I will introduce legislation to create and fund a joint public/private commission that will include federal, state, provincial and territorial representatives, First Nations and Alaska Native representatives, and business interests.

That commission will be responsible for identifying specific goals and objectives for the feasibility study I've talked about today, for getting the study underway, and for reporting back to Congress, the Parliament and the public on what we need to do next.

This project has been on the back burner for more than a half-century. Let's turn up the heat.

The North American Rail System

From Real Horses to Real Horsepower

The first primitive "railroad" in the United States used horse-drawn cars on wooden rails, but experiments with steam locomotion began in the early 1800s, and in 1831, regular steam powered service began in South Carolina. Rapid expansion followed. Four years later, over 1,000 miles of track had been laid, and there were 200 railroad charters in eleven states.

Western development in the United States spurred even greater growth. By 1860, there were 11,000 miles of track. The westward expansion also prompted the first Congressional land grants to railroads. Government leaders felt that railroads would spur settlement, and the grants allowed companies not only to retain the rights of way for rail lines but to have saleable land to offset construction costs.

In the United States, four of the first five transcontinental railroads were largely made possible by such grants, along with a considerable number of smaller lines in the western United States. A total of 131 million acres of public land was appropriated to dozens of rail-lines. A receiving company was given the right-of-way along with alternate sections of land, with the Federal Government generally raising the price of the sections it kept. In return, all rates were reduced by 50% for Federal traffic. From 1850 until the practice was ended in 1946, it is estimated that the government saved \$900 million; a considerable deal considering that the land was only worth a total of \$500 million at the time it was granted. After the Civil War ended, trackage grew from 35,000 miles to an all-time high of 254,000 miles in 1916.

Canada's first railroad began operations in 1836, but by the middle of the century, although some 40 companies had been granted

government permission to build rail lines, only six had actually laid any track, totaling only 80 miles. In 1849, the government stepped in to help, offering to lend enough money to cover half the construction costs of any line longer than 74 miles (120 kilometers).

Companies proved eager to take Canada's offer. By 1860, Canada's rail lines reached more than 2,000 miles. The first east-west link was achieved in 1885 when the last spike in the Canadian Pacific Railway was driven. That set the tone, and in just 50 years, from 1850 to 1900, the miles of track available to Canada's railroads grew from 80 miles to 19,000.

Today, Canadian National operates about 17,000 miles of track in Canada and another 950 miles in the United States. The CN network serves all five of Canada's major ports: Halifax, Montreal, Prince Rupert, Thunder Bay, and Vancouver.

Meanwhile, Canadian Pacific operates a 15,000 mile network extending from Montreal to Vancouver and into the U.S. midwest and northeast. It serves ports on the east coasts of Canada and the U.S. and the Port of Vancouver.

Technological developments for rail lines rode the swelling tide of industrial change. Larger, more powerful locomotives, cars with larger capacities, improved couplers, the application of air-brakes, as well as adoption of standard gauge rail and standard time resulted in huge gains of efficiency and economic rail service. The development of national, rather than regional, economies in North America is owed in no small way to the influence of our railroads.

The Alaska Railroad

The history of the Alaska Railroad begins in 1903 with the Alaska Central Railway; a failed venture that managed to lay only 71 miles of track out of Seward, in an unsuccessful attempt to reach Anchorage.

But Congress still felt it was wrong that a territory twice the size of Texas had no rail system. The Alaska Railroad Organic Act of March 12, 1914 required incoming President Woodrow Wilson to construct a rail not to exceed 1,000 miles and, among other things, to "...best aid in the development of the agricultural and mineral or other resources of Alaska...and so as to provide transportation of coal for the Army and Navy, transportation of troops, arms, munitions of war, the mails, and for other governmental and public uses." The act gave the President broad powers to acquire land, operate terminals, or anything else that could help make the railroad a reality.

In 1915, the government purchased the remains of the Alaska Central for \$1.2 million, and selected the current route northward. In 1917, it also bought the Tanana Valley Railroad, a narrow-gauge miners' line northwest of Fairbanks, for \$300,000. These acquisitions formed the nucleus of the present system.

By the end of 1920, the Alaska Engineering Commission completed 382 miles of new track, and rebuilt the original 71 miles out of Seward and 32 miles in the Tanana Valley. The main obstacle for completion were bridges to span the Tanana River and Hurricane Gulch. The Tanana bridge had a 701 foot span, which at the time was the

longest such in the United States. The Hurricane Gulch bridge spanned a total of 918 feet with a height of 296 feet.

Just before his untimely death, on July 15, 1923, President Warren G. Harding drove the golden spike officially completing the Alaska Railroad.

Military bases and construction projects starting in the 1930s spurred continued refinements to accommodate heavier loads and straighter hauls, and a large "picture postcard" terminal was built in Fairbanks. The assumption was that the latter would become the terminus for a railroad across British Columbia and the Yukon Territory to link Alaska with the railways of the lower 48 states.

World War II provided another influx of new equipment. Post-war rehabilitation encouraged passenger service and in 1946, a blue and gold streamliner, the AuRoRa, made its first run between Anchorage and Fairbanks. For military purposes, a spur to Whittier had been established by tunneling next to Portage Glacier in 1944.

Also during World War II, in 1942, U.S. Army Engineers surveyed a route that would have taken the railroad all the way from Fairbanks to Prince George, British Columbia, connection to the North American rail system there, and extended the Alaska portion of the line all the way to Teller, on the northwest coast.

Although the latter parts of the once-planned system have not yet been built, the U.S. Department of Defense has consistently maintained that Alaska's strategic location remains critical, and that rail is an essential element of a comprehensive defense transportation system.

The Alaska Railroad was transferred from the Federal Government to the State of Alaska in 1983, and today it remains a great asset.



Proposed Railroad Corridor Resources

The Tanana uplands, which stretch over 250 miles from the Yukon Territory into Fairbanks, Alaska, appears to be rich in base metal potential (gold, silver, copper, lead, zinc, molybdenum, and tin). Because of the lack of infrastructure, there has been little detailed exploration for base metals other than gold in this region. With rail access, there is no question that significant new base metal deposits will be identified.

The Uplands have a history of incredible resource potential dating back to the gold rush days along the Yukon River. Today the area still remains mostly as it was then: inaccessible. In spite of this, one of the most productive gold mines in the United States, Fort Knox, operates just outside of Fairbanks and produces over 1,000 ounces of gold per day. Access is currently being worked out to reach the Pogo deposit, further to the east, which contains an estimated 5.2 million ounces of gold. Although gold is still a draw, the uplands contain tremendous amounts of silver, tungsten, copper,

enough to allow barge traffic. The Matanuska-Susitna Valley region to the south hides yet another large, high quality coal deposit that already sits on the Alaska Railroad line. With the development of a connection, this would be available for shipment to the rest of the continent.

Claim staking activity in Alaska also has a traditional fall-off curve, but recent years have not seen that tradition followed. 1998 was the third \$1 billion year for mining in Alaska. Staking continued strong through the summer of 1999 with results still being processed. Figure 1 shows a select list of Alaska mines near the railroad corridor.

On the other side of the border in the Yukon, active mining, approvals, and exploration are all ongoing, but with similar access problems as occur in Alaska. 1998 mineral production exceeded \$100 million (Canadian), and the industry continues to play the largest role in the private sector economy of the territory. Recent exploration and development activity has reached a peak not seen since the Klondike Gold Rush. With a government committed to seeing a healthy investment climate for the mining industry combined with citizen support, mining potential for the Yukon has far to go. Figure 2 shows a few mines in the Yukon Territory near the proposed corridor.

Forestry information along the proposed corridor is similarly bright, but yet again with similar access problems. Within 15 miles of the corridor from the Yukon to Fairbanks lies 117 million cubic feet of hardwood pole timber and 141 million cubic feet of mixed pole timber. The Ladue River valley alone has the potential to create a chipping industry in Alaska even with its low-value fiber.

The forest products industry is still a fledgling in the Yukon Territory, but activity has developed throughout the last couple of decades in the Watson Lake area. Other potential areas include Mayo, Dawson City, Teslin, and Haines Junction. Timber supply shortages in the northwest combined with increased demand in Asian markets keep the future of this industry positive, but much of the territory has yet to be surveyed.



Silver/gold prospect in the Chulitna mining district.
-photo by K. H. Clautice

lead, zinc, and other minerals in identified deposits.

Further to the northwest lies the largest coal field in the United States near Point Lay. Not only is this coal very near the surface, but it is of exceptional quality averaging 12,000 BTUs and an extremely low sulfur content of less than 0.02%. Not far south from Point Lay is the Red Dog zinc mine, which last summer announced new finds. Unfortunately, the mine can only ship product for a few months of the year when pack ice retreats

figure 1, mining data in Alaska

Alaska Mines	Ownership	Resource Information
Koyukuk-Huges mining district	production mostly from Alaska Gold Co.	231,000 oz Au produced 1930-1995
Innoko-Tolstoi mining district		Placer Au district; significant Au-Sb-Hg potential 706,267 oz Au produced through 1995
Hot Springs mining district	(numerous)	Placer Au-Sn district; 568,632 oz Au and 720,000 lb cassiterite produced through 1995
Fairbanks mining district	(numerous)	8,022,434 oz placer Au 1902-1995; 304,548 oz Au and over 4 million lbs Sb from veins and shear zones produced through 1990
Fort Knox	Kinross Gold Corp.	3,745,000 oz Au proven and probable reserves open at depth; 702,295 oz Au produced between 1996 and 1998
Ryan Lode	reclamation by La Teko Resources Inc.	822,200 oz Au and 2.4 million oz Au in two shear zones
Grant Mine		212,000 tons of 0.36 oz/ton Au
True North	La Teko Resources Inc.	Estimated 1,314,000 oz Au
Gil Claims	Kinross Gold Corp./Teryl Resources Corp.	Resource of 433,000 oz Au
Delta massive sulfide belt		40 million ton reserve containing percentages of: Cu, Zn, Pb, Ag, Au
Taurus		Cu-Au prospect; 140 million ton reserve containing percentages of: Cu, Au, Mo
Big Creek/Ladue		Pb-An-Ag massive sulfide prospects
Slate Creek	Slate Creek	55 million tons of 6.3% high quality chrysotile asbestos
Fortymile mining district	Kennecott Exploration Co.	Placer Au district; 534,974 oz Au produced 1883-1995
Pogo	Teck Corp./Sumitomo Metal Mining America Inc.	5.2 million oz Au reserves; exploration and development on-going
Red Dog Mine*	Cominco Alaska Inc.	157.8 million tons proven and probable reserves containing percentages of Zn, Pb, Ag; production and exploration on-going; over 1 million tons of concentrate produced in 1998

*Red Dog Mine, in Northwest Alaska, could become the terminus for a spur from Fairbanks to the Ambler mining district.

figure 2, mining data in the Yukon Territory

Yukon Mines	Ownership	Resource Information
Brewery Creek Mine	Viceroy Resouce Corp.	613,000 contained oz Au; 1997-1998 production of 125,025 oz Au
Kudz Ze Kayah Property	Cominco Ltd.	13 million ton reserve containing percentages of: Cu, Pb, Zn, Ag, Au; final approvals expected in 1999
Sa Dena Hes Property	Cominco Ltd.	3.2 million ton reserve containing percentages of: Pb, Zn, Ag; opened in 1991 but closed in 1992 due to low prices
Wolverine Property	Boliden Ltd./Atna Resources Ltd.	6.237 million ton reserve containing percentages of: Cu, Pb, Zn, Ag, Au; further delineation planned
Minto	Asarco Inc./Minto Explorations Ltd.	7.2 million ton reserve containing percentages of: Cu, Ag, Au; production planned for late 2000
Carmacks Copper	Western Copper Holdings Ltd.	14.1 million ton reserve containing percentages of: Cu, Au; undergoing final stages of environmental assesment
Division Mt. Coal	Cash Resources	52.9 million ton resource at 9,328 BTU/lb and 0.43% Sulfur; under study with environmental assesment to begin next year
Wolverine	Atna Resources/Expatriate Resources	6.2 million ton reserve containing percentages of: Zn, Cu, Pb, Ag, Au; metallurgical work planned
Wolf	Atna Resources/YGC Resources	4.1 million ton inferred resource containing percentages of: Zn, Pb, Ag; further exploration planned
Fyre Lake	Pacific Ridge Exploration	15.4 million tons preliminary resource containing percentages of: Cu, Co, Au; still in exploration

NEWS FROM THE OFFICE OF

FRANK MURKOWSKI*United States Senator • Alaska*

For Immediate Release: Contact: Chuck Kleeschulte or Cindi Bookout
January 20, 2000 O (202) 224-9306; H (301) 283-4149; O 224-8767
(Email: chuck_kleeschulte@murkowski.senate.gov)

Embargoed until noon PST, Thursday, January 20, 2000

Murkowski Willing to Introduce Legislation to Create Commission to Study Alaska-Canada Railroad Extension

VANCOUVER, BC -- U.S. Senator Frank H. Murkowski today said he is willing to introduce legislation in Congress this year to create an impartial bilateral commission to study the economic, environmental and engineering feasibility of completing the trans-continental railroad linking Canada with Alaska.

Murkowski, R-Alaska, chairman of the U.S. Senate Energy and Natural Resources Committee, said extending the Canadian rail system to link up with the Alaska Railroad might make both economic, strategic and environmental sense, helping greatly the economies and lifestyles of citizens of the Yukon Territory and Alaska.

"If there is a significant showing of support for an effort to look at rail options, I am willing to introduce legislation in Congress to establish the parameters for a bilateral U.S.-Canada commission to oversee a comprehensive feasibility study. Such a bill would establish a process for the appointment of commissioners and could also authorize funds for the commission's operations.

"This would get the ball rolling in the U.S., but reciprocal action also would have to be taken by the Government of Canada, because any commission clearly will have to be bilateral with equal

representation from both nations," said Murkowski, in remarks prepared for delivery today during the Alaska-Canada Rail Link Conference being held in Vancouver, BC. The conference was sponsored by Alaska State Rep. Jeannette James, R-North Pole.

In remarks delivered by Murkowski's Transportation aide Bill Woolf, the senator said he envisions a commission made up of business leaders, academicians and representatives of the First Nations and Alaska Natives having sufficient expertise to "ensure that its consultants deliver the best in construction engineering, economics and environmental science."

Murkowski last year, after talks with Canadian Parliamentarians during the Canada-U.S. Interparliamentary Conference, later discussions with Canadian Ambassador Raymond Chretien and Canadian Minister of Transport David Collinette, and talks with the Canadian-American Border Trade Alliance, suggested it might make sense to reconsider the feasibility of building the roughly 1,200 miles of rail that would be needed to finish the railroad, last seriously considered in 1943.

The Alaska Railroad currently ends at Eielson Air Force Base, outside of Fairbanks, about

270 miles from the Canadian border, while the Canadian rail system ends at either Fort Nelson or beyond Fort St. James, about 900 miles from the Alaskan border.

Murkowski said the dawn of a new millennium may be the time to resurrect the railroad because both Alaska and the Yukon, while "land rich," are still "poor" in the amenities taken for granted in other areas of the two nations.

"One of the chief roadblocks to development of the north is the lack of adequate transportation. With all the talk about how the developed countries are moving from manufacturing to 'service' societies, the fact is that we are still dependent on getting material objects -- food, iron ore, lumber, other resources -- from one place to another. And because Alaska and the Yukon do not have the transportation infrastructure they need, both our nations are a little poorer than they have to be," said Murkowski.

He said the railroad's time may have come for several reasons.

He noted the line would allow economic development of the mineral resources of the Yukon-Tanana uplands that stretch from Faro, Y.T., north to Fairbanks. The zone, home already to the Fort Knox gold mine in Alaska and the future home of mines working the huge Pogo gold deposit, contains large amounts of silver, tungsten, copper, lead, zinc and other ores. On the Alaska side of the border there are already more than 14 major hard-rock deposits identified, while in the Yukon there are more than 10 major mineral deposits known. This does not include the Alaska coal deposits a line could move to market.

Murkowski added the railroad's likely cor-

ridor is also filled with timber. He said within just 15 miles of a likely railroad corridor, there are 1.4 billion board feet of hardwood pole timber and almost 1.7 billion board feet of mixed pole timber, not counting the possibility of agricultural development or of other Alaska freight that could to help fund the line's costs.

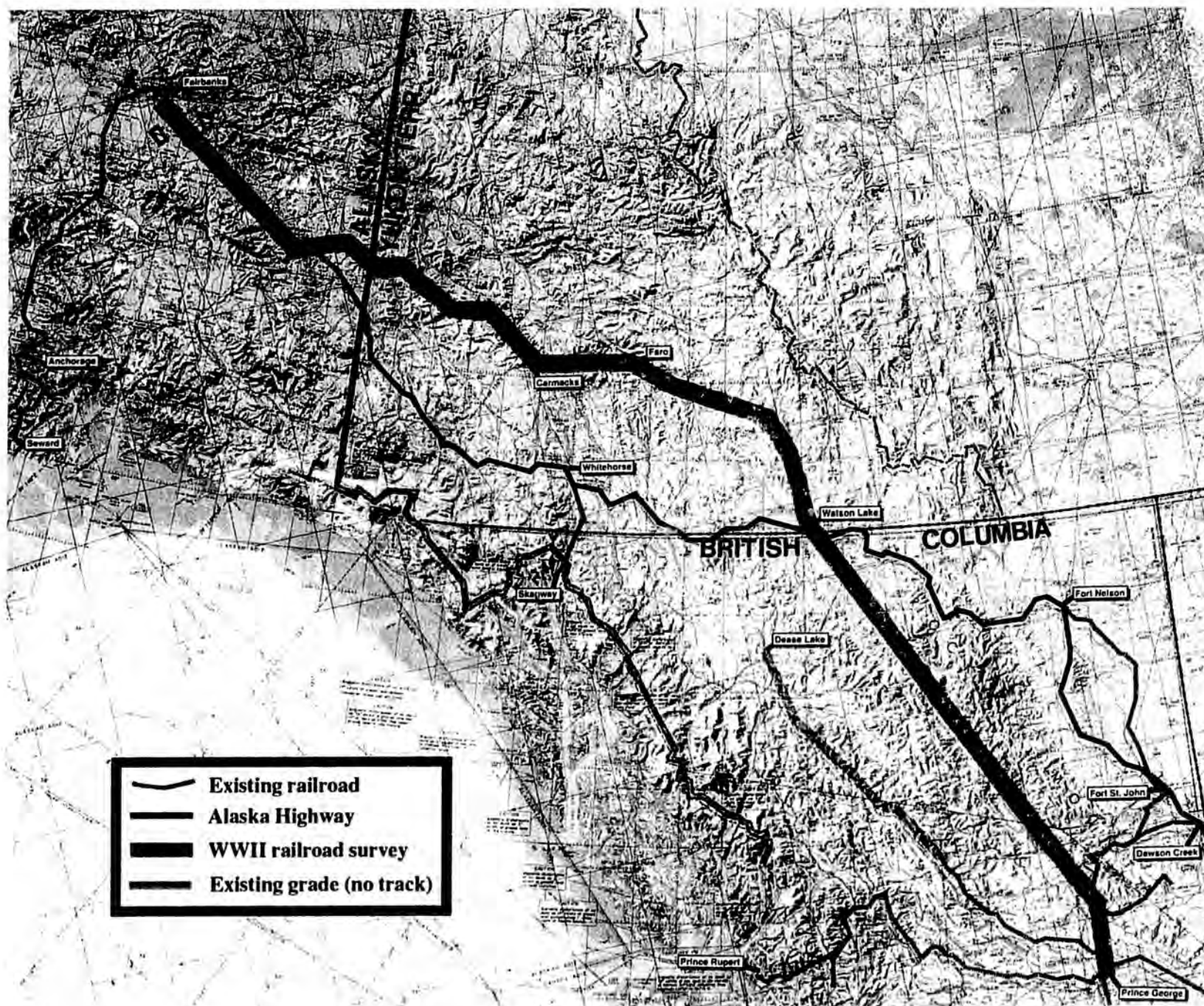
Murkowski, noting that testing is continuing on a North American anti-missile defense system, added that one of the prime sites under consideration for a missile interceptor base is at Delta in Alaska, which could well justify construction of the first 80 miles of the Alaska Railroad's extension toward the Canadian border.

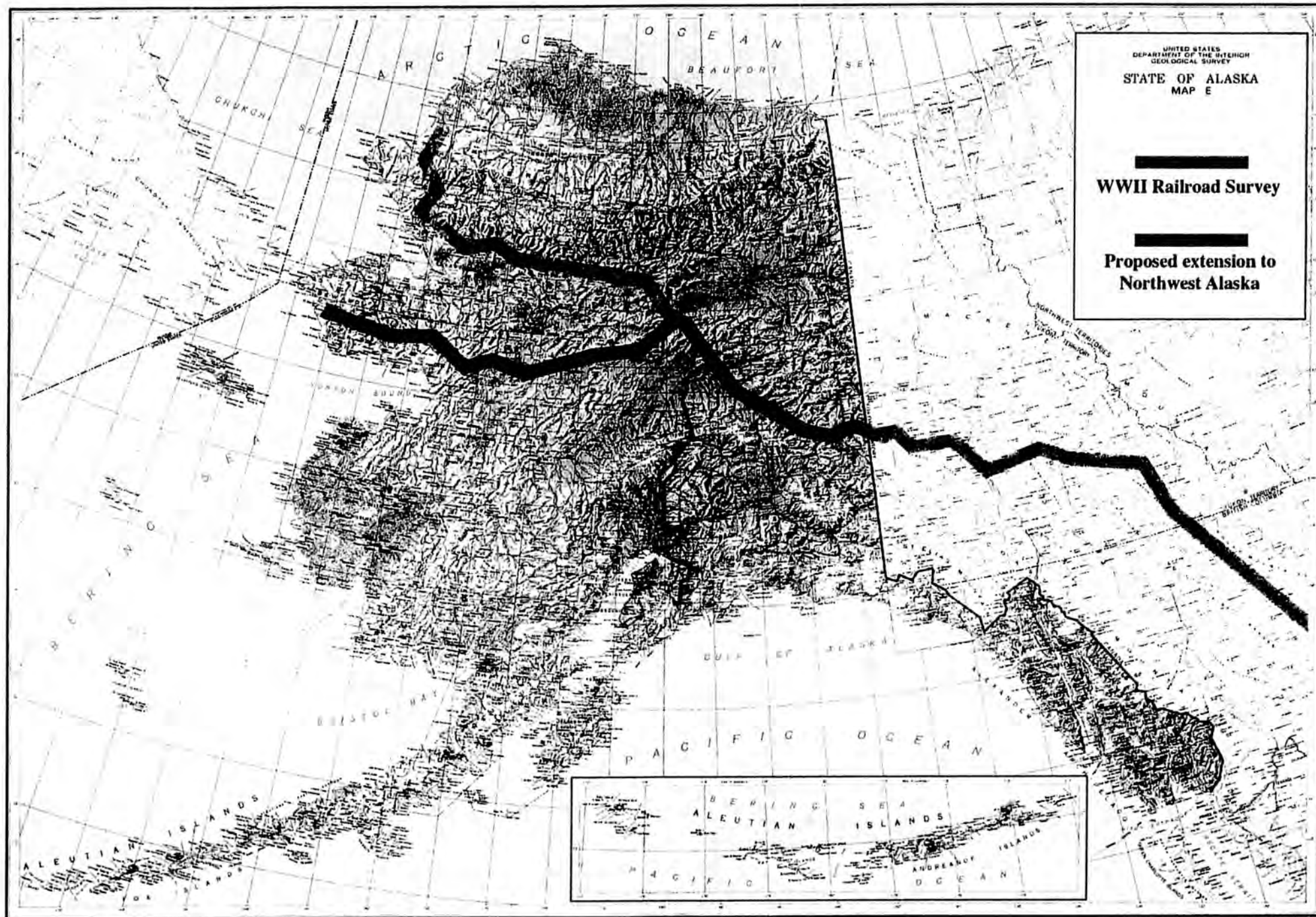
And the U.S. Senator said a railroad corridor would encourage co-location of all pipeline and power transmission lines -- a process that makes environmental sense.

"A rail corridor offers controlled access that removes the environmental threat of uncontrolled development. Rail systems are the most energy efficient and emit the lowest levels of air pollution of any mode of freight transportation. Rather than cause environmental concerns, a railroad offers the best options to protect the environment," said Murkowski.

"We should not be afraid to think seriously about big projects. Just because they're big, doesn't make them bad. In this day and age of great concern for the environment: if one assumes -- as I do -- that the resources of the Yukon and Alaska inevitability will be developed, then rail looks like a very healthy way to make that possible," said Murkowski.

-30-





UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
STATE OF ALASKA
MAP E

WWII Railroad Survey

**Proposed extension to
Northwest Alaska**

Prepared by the office of United States Senator Frank H. Murkowski. For further information, contact Chuck Kleeschulte, Press Secretary, at (202) 224-6665. Although every attempt has

been made to assure the accuracy of the information in this packet, changing resource data prevents guaranteeing the authenticity of all the information.

produced by Robert W. Corbisier

FRANK H. MURKOWSKI
ALASKA

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February 28, 2000

The Honorable Ramona Barnes, Chair
Special Committee on
World Trade and State/Federal Relations
Alaska State House of Representatives

Dear Madam Chairman:

I understand you have scheduled a hearing on February 29 to take testimony on HJR 51, expressing support for a cooperative United States-Canada feasibility study on extending the North American rail system. The opportunity to present my views is deeply appreciated, and I hope you will include in the hearing record the following statement supporting passage of this measure.

Madam Chairman, thank you for the opportunity to offer my thoughts on the resolution before you. I look forward to the decision of this committee, of the whole House, and of the other body.

I strongly believe that Alaska would benefit greatly from additional transportation infrastructure both inside our borders and outside them. There are three things critical to the establishment of long-term economic stability for any state, region or country. The first is the availability of resources necessary to the production of goods. The second is the availability of labor to manufacture those goods. And the third is the availability of transportation systems to get those goods to market.

The State of Alaska, unfortunately, remains deficient in the third of these critical elements. We have the resources, and we can supply the labor, but we do not yet have the essential transportation infrastructure.

We sometimes hear people suggest that Alaska is "rich." And we are indeed blessed with many wonderful resources. But wealth -- and economic stability -- requires that resources be used, not ignored. And we cannot use what we cannot reach, and we cannot market what we cannot transport.

The idea of connecting the transcontinental rail system to Alaska is by no means a new one. In one form or another, it has been around since the late 1800's. During World War II, the U.S. military surveyed a route from Prince George, British Columbia all the way through Alaska to tidewater at Teller, on Alaska's Seward Peninsula.

Today, I think we need to reassess the situation. While we are not at war, we are at a crossroads.

I support not only the measure before you, but I am taking action in Congress as well. I have prepared and will do everything I can to

The Honorable Ramona Barnes
February 28, 2000

Page 2

pass a bill to create a bilateral U.S. and Canadian commission to study the feasibility of the rail link. There is much support for this concept on both sides of the border.

I believe that the extension of the railroad would pay for itself -- not immediately, but in the foreseeable future.

The areas of Alaska and the Yukon through which the rail line would pass holds some of the richest mineral prospects in North America: gold, silver, copper, nickel, lead and zinc in great quantities, plus substantial amounts of other elements. In Alaska's Ladue Valley, as well as at more southerly points along the possible routes, there are large quantities of high value timber, and vast amounts of lower quality wood that we now utilize for paper, fiberboard and other products. There is also a significant opportunity to develop a new "cruise train" excursion for the visitor industry.

Experts have suggested there may be the potential for up to 120 million tons of freight per year, which would be more than enough to pay back any investment.

I am not an expert. I cannot verify that contention, any more than I can refute it. That is why we need a comprehensive feasibility study. Efforts are underway to gain a resolution of support in the Yukon Territorial Legislature, and I hope the support of the Alaska Legislature will lead the way.

Thank you.

Sincerely,


Frank R. Murkowski
United States Senator

Alaska Canada Rail Link Conference
Vancouver, B.C., Canada
January 20, 2000

"Rails to Resources"

William B. Woolf
Legislative Assistant for Natural Resources & Transportation
Office of Senator Frank H. Murkowski
United States Senate

First, thank you all for being willing to dream big dreams.

Dreaming big dreams is what railroading is all about. Railroad stories and myths of railroading appeal to the romantic in us -- from Casey Jones' wild ride to stories about the characters who still ride the rails today.

And the history of railroads in North America is the history of a really big dream -- the development of an entire continent.

The railroad part of it is characterized by a phrase now used by NASA for the space program -- "faster, better, cheaper."

"Faster, better, cheaper" has been the thread running throughout our railroad history.

Steam power blew open the doors to huge changes -- larger loads, bigger cars, and higher speeds.

Steam also made humans far more mobile than they had been before. Instead of taking weeks, a businessman could get from Montreal to Atlanta in days instead of weeks.

It made face-to-face business possible over long distances, reducing both the time -- and the dangers -- of business travel. For the 19th century, that was as stunning a change as telecommunication brought to the 20th.

In the U.S., railroad builders tied down the safety valves after our Civil War. Growth was phenomenal, in part because the government hit on the policy of providing railroad companies with land to defray their costs and give them an instant economic base.

That was first tried in 1856, to help build a railroad from Chicago to Mobile, Alabama. It was so successful that it became general policy after the war, supercharging an age of rail expansion that continued into the early 1900s.

And technological development kept pace -- bigger locomotives, faster trains and heavier cargos.

And because those inevitably brought increased safety risks, rail lines also developed new ways to solve problems, with better couplers and braking systems, standardized track gauge, improvements in communication and switching, and, of course, standard time zones so engineers would know if they were on clear track or not.

But that's all history -- technology not from the last century, but the one before that! Why talk about railroads today?

The fact is there is still no other transportation technology that can do what railroads can. You know that. You wouldn't be here if it wasn't.

Alaska and the Yukon share many similarities, not the least of which is being treated like less-than-desirable relatives from the wrong side of the tracks.

You can chalk that up to any number of causes, up to and including regional economic rivalries, but the fact is that both Alaska and the Yukon, and the United States and Canada as whole nations, are getting shortchanged by the distance -- both literal and figurative -- between these two great regions and the rest of the continent.

Another notable similarity is that both Alaska and the Yukon are both "land poor."

We have the resources, but we can't get the full benefit because "new" territories lack the amenities of older, more populous areas -- especially the transportation options.

We like to think that our "first-world" countries are moving from manufacturing to service economies, and we like to boast about the benefits of our electronically connected businesses, but the truth is that our society still depends on getting material objects -- food, iron ore, lumber or whatever -- from one place to another.

And because Alaska and the Yukon lack the means to do just that efficiently, both our nations are a little poorer than they have to be.

Imagine how both countries would benefit if the resources of Alaska and the Yukon were as accessible as those of Ontario or Illinois....

The Yukon-Tanana Uplands stretch from Faro to north of Fairbanks. The entire region has incredible resource potential. That's been known since the gold rush days along the Yukon River.

Gold is still a draw, but the uplands also contain tremendous amounts of silver, tungsten, copper, lead, zinc, and other ores. But today the area remains mostly as it was then: inaccessible and undeveloped.

Think about this: one of the most productive gold mines in the United States is Fort Knox, just outside of Fairbanks. It produces over 1,000 ounces of gold per day. Fairly soon, we hope to be producing from the 5.2 million ounce reserves of the Pogo deposit, a little east of there.

What's the difference between these two mines and the major deposits deeper in the Yukon-Tanana region? Above all -- it's transportation.

If anything, the Yukon may be even more interesting to miners. 1998 mineral production exceeded \$100 million, and the industry continues to play the single largest role in the private sector economy of the territory. But here as well, access plays a huge role in whether a mine can make it or not.

And what about wood products?

One normally doesn't think of the far north as a source of timber, but possibilities abound in both regions.

Within just 15 miles of the corridor from the Yukon to Fairbanks lie 1.4 billion board feet of hardwood pole timber and almost 1.7 billion board feet of mixed pole timber.

Lower grades timber is also plentiful. The Ladue River valley alone could supply a good-size chipping industry.

In the Yukon, the Alaska Highway has allowed a modest forest products industry outside of Watson Lake, but it's still just a hint of what's readily possible -- but only with transportation.

Timber supply shortages in the Pacific Northwest, combined with demand in both Asian and domestic markets, should be driving new developments for the timber industry -- but it doesn't help to have the products if you can't get them to market.

What else could move by rail? Well, what about agricultural products? The other day I heard from a very excited farmer in Alaska. He wanted us to know that rail transportation of feed and fertilizer coming to Alaska, and rail shipment of his products to market, would be a huge boost to his business.

How much do you want to bet that almost every farmer and would-be farmer in Alaska and the Yukon would feel exactly the same way?

Our land is fertile, and our long days can produce tremendous harvests. But we still need to get supplies in and production out at a reasonable cost. Rail can do that.

What about seafood? That's another big one for Alaska. We harvest fully half of the total United States' seafood production, most of it frozen -- and with most of the frozen product going to Asia by ship.

A gigantic new seafood plant producing finished entrees is just starting operation in Anchorage, and much of it's product will also travel by sea. But it doesn't have to be that way.

What if there were an inexpensive way to move large amounts of high-quality frozen seafoods directly to markets in the midwest and the east? I think we'd see a huge price boost in the industry as those markets began to compete directly with our more traditional customers.

And what about fuel products? Coal -- natural gas -- refined fuels. All of those can be moved by rail, and all would find very receptive audiences in the overcrowded, overpriced eastern half of the continent.

In the late 1800s, railroad tycoon Edward H. Harriman visualized a world-girdling railroad from from the United States through Alaska to Siberia, then across Asia to the capitals of Europe. That plan still has many supporters, but first things first. And the first thing is to complete the system on our own continent.

One route has already been surveyed. During World War II, with Japanese forces in the Aleutians and U-boats sinking convoys in the North Atlantic, we needed a better way to get war materials to our Russian allies. Frederic Delano, a

relative and confidant of Franklin Roosevelt, proposed a rail link. With Roosevelt's support, the U.S. Army Engineers successfully surveyed a very feasible route from Prince George to the Arctic coast in 1942.

But the wartime steel shortage delayed the project, the highway was completed later that year, and by late spring of 1943, Japan had lost its grip on the Aleutians and Germany had suspended U-boat operations in the North Atlantic. And the link through Canada lost its urgency.

We may not be at war today, but that doesn't mean we cannot dust off those old plans and see if they would fit with today's economic conflicts.

Who knows -- they might even fit in with protecting us from another kind of conflict.

As many of you know, the U.S. is studying a possible anti-missile defense, and one possible site is not far from Delta. The huge amounts of material required could most effectively be moved by rail.

So maybe it's time to remember that the Alaska Railroad was originally envisioned by Congress as having up to 1,000 miles of track, but was stopped at least 300 miles short.

That 300 miles would not only get us to Delta, it would get us all the way to the border.

We should not be afraid to think seriously about big projects. Just because they're big doesn't mean they're bad.

I suspect that in today's economy, an Alaska-Yukon link would take far less of either the U.S. or Canada GDP than the first transcontinental links of the 1800s.

And another thing: this is an age of great concern for the environment. If one assumes -- as I do -- that the resources of Alaska and the Yukon inevitably will be developed at some point in the future, then rail looks like a very healthy way to make it possible.

A rail corridor offers controlled access, for one thing. The big objection to transportation projects in wild areas is usually a reaction to the threat of uncontrolled access.

Rail systems can avoid that problem in the simplest possible way -- they don't stop. Nobody gets on, nobody gets off. About the only "impact" is a little noise when the train goes by, and then -- nothing at all.

A rail corridor can also include other things that would lessen the overall impact of future development and allow larger areas to be held in their present pristine form.

Take for example a situation where the movement of energy is a hot ticket item. Rather than building willy-nilly across the countryside, pipelines or power transmission lines could be co-located with a rail line in one corridor just a few hundred yards wide. This makes sense economically, but even more sense environmentally.

It's clear that environmental considerations should -- and will -- play a very large role in the task of deciding on whether, where and how to construct a rail system.

We need to be clear-eyed -- to recognize that development will occur sometime, and when it does, we should be planning to do it right.

The perfect rail route would minimize both environmental risks and construction costs. It would try to come as close as possible to areas of resource abundance, but avoid areas identified as environmentally sensitive. It could provide access to some communities -- and bypass others that preferred a greater degree of isolation.

What's really needed is a comprehensive feasibility study. It should look at possible routes from all those perspectives and more. It should look at cost projections. It should look at revenue potential and traffic forecasts. And it should look at all those factors with independence and impartiality.

One way to organize such a study is to put it in the hands of a commission. This is the path Senator Murkowski suggested last fall to the Canadian-American Border Trade Alliance. I'm here to renew that offer today.

The Senator's proposal was this: if there is a significant showing of support, he will introduce enabling legislation in Congress.

Such legislation would suggest parameters for a bilateral U.S.-Canada commission to oversee a comprehensive feasibility study. It would also establish a process for the appointment of commissioners on the U.S. side, and could authorize the appropriation of funding for the commission's operations. This would get the ball rolling.

Reciprocal action would also have to be taken by the Government of Canada.

Perhaps this is a good point in which to emphasize that this effort must be impartial; as a bilateral government effort it cannot favor any particular plan, proposal or company, either American or Canadian. If any person or company wants to dig deep and come up with the private financing for a railroad, more power to them, but the commission's job must be to develop the best, most objective analysis possible.

As I envision it, the commission would have to include business leaders, academicians, and representatives of the First Nations and Alaska Natives.

It would also need the ability to take on staff members -- with the expertise to ensure that its consultants deliver. We'd need the very best in rail operations, construction engineering, economics, environmental science and other disciplines.

Finally, it should have a date certain by which it would report back to both governments.

A bill could be introduced in Congress by spring. And I know there are members of Parliament who will support the idea on the Canadian side.

We can be the conductor, but you must be the engineer.

It's true that the recent history of North American railroading is one of consolidation instead of expansion... but maybe little more expansion is not a bad thing.

Shall we finish the job of building a TRULY transcontinental system?

Is the track clear? Is the signal green? Then let's get our steam up and get moving!

Thank you.

. . .

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House of Representatives
House District 34

Sponsor Statement, HJR 51

Revised 2/1/00

The purpose of this resolution is to lend support to Senator Frank Murkowski's effort to authorize and fund a feasibility study on connecting Alaska to the rest of North America by rail.

Connecting Alaska to the rest of the North American rail system brings with it tremendous possibilities for expanding and improving the economy and transportation infrastructure of the state. A railroad connection to the lower 48 could quickly benefit Alaska's mining, agriculture, tourism, manufacturing, military and oil and gas sectors, while lowering the costs of bringing goods into the state.

To realize this goal, Senator Murkowski is proposing legislation to establish a bilateral commission charged with the task of completing a feasibility study. This study would help determine the best route, identify markets and estimate construction costs.

It is my belief, that by passing HJR 51, the Alaska Legislature will send a strong message in support of completing this feasibility study.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSIONBILL NO. HJR 51Revision Date: 2-26-00

Dept. Affected

Title: US-Canada feasibility study to

BRU

extend No American rail syst to BC/Yukon ComponentSponsor: Rep. JamesRequester: H. WTR

Component Serial No.

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
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

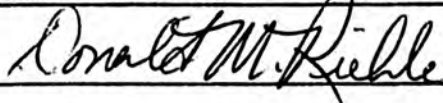
Estimate of any current year (FY00) cost: _____

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 agencies.

Prepared by Donald M. Riehle staff-WTR

Phone 465-6643

Phone _____

Date 2-25-00

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House of Representatives
House District 34

Press Release: For Immediate Release
Release Date: February 4, 2000

HJR 51 INTRODUCED TO BOOST ALASKA-CANADA RAIL CONNECTION

JUNEAU -- Representative Jeannette James (R-North Pole) this week introduced HJR 51, which would give the support of the Alaska Legislature to a feasibility study on connecting Alaska to the rest of North America by railroad.

HJR 51 has been assigned to the World Trade and State/Federal Relations and Transportation Committees.

The wording of HJR 51 closely follows that of a resolution adopted at the Alaska-Canada Rail Link Conference January 20 in Vancouver, British Columbia. The day-long conference was organized by Rep. James, at the request of Alaska Senator Frank Murkowski, and drew 118 participants from as far as Michigan and Alberta. Voting members of the conference unanimously approved a resolution in support of Senator Murkowski's effort to authorize a feasibility study.

"This approval shows there is strong grass roots support for the rail connection feasibility study in British Columbia and Yukon, as well as Alaska," said Rep. James. Bill Woolf, transportation committee staff to Sen. Murkowski, and former federal railroad chief Gil Carmichael of Meridian, Mississippi, addressed the conference. Both speakers presented a clear vision of the economic benefits a rail connection would bring to Alaska and its Canadian neighbors as well as to the Lower 48 states.

Conference participants included resource development and transportation industry officials, legislators, government officials, academics, and Chamber of Commerce heads from close to a dozen communities.

Also addressing the conference were geologists from the University of Alaska and State Dept. of Natural Resources, the Yukon government's mining advisor, and rail development entrepreneurs from British Columbia. The conference also heard from transportation consultant Hal Cooper of Kirkland, Washington -- currently advising the national railroad of China -- and tourism expert Steve Hites, of Skagway, long connected with the White Pass and Yukon Route Railroad.

-- More --

"Senator Murkowski has told me he's committed to passing legislation to establish a bilateral commission to conduct a feasibility study," said Rep. James. "This resolution is important because it will put the Alaska Legislature on record as backing this effort."

Geologist Milt Wiltse described extensive mineral-rich regions within 25 miles of a proposed rail corridor southeast from Eielson Air Force Base to the Yukon-Alaska border. In addition to gold, nickel, lead and zinc deposits, there are areas rich in Platinum. According to Yukon mining facilitator Jesse Duke, similar geologic formations exist on the Yukon side of the border, along designated transportation corridors.

"At present, lack of a transportation infrastructure prevents these reserves from being developed. It's just not economical to move equipment in and concentrates out by air or road -- which are the only options now," said Rep. James. "The advantage of rail is that you can move bulk goods further, cheaper. Railroads are also a more environmentally friendly transportation. They present a much smaller footprint than roads while allowing for more restricted access to unpopulated areas."

Approximately 1,000 miles separate the northeasternmost extension of the Alaska Railroad at Eielson from the northwesternmost reaches of the British Columbia Railroad at Fort Nelson, on the Alaska Highway, or Chipmunk, which is a little north of Fort St. James.

The conference was told it would take approximately three years to complete environmental studies on any proposed route. Geologist Paul Metz told the conference the route from Eielson to the Canadian Border was well-suited for railroad construction, with few avalanche chutes or unstable land surfaces.

Construction costs would be part of a feasibility study, but rough estimates have placed these costs at between \$1 million and \$3 million per mile.

For more information, or for a copy of the conference and/or bill packet, please contact Richard F. Schmitz at 907 465 3743 or email rail@legislator.com

SCOMM

119:18

Alaska State Legislature

During Interim: (June - Dec.)
716 West 4th Avenue, Suite 500
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During Session: (Jan. - May)
State Capitol
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Drue Pearce
President of the Senate
SB 273
Sponsor Statement
3/21/2000

Alaska arguably has the world's best oil spill prevention and response program. However, the current program is limited to vessels that carry oil as cargo (tank vessels), and on-shore oil facilities such as oil wells, pipelines, refineries, and tank farms.

Most of Alaska's oil spills come from carriers that are currently not required to prepare for spill response. Since 1995, 93 spills totaling 5,286 gallons of oil came from regulated vessels and facilities. During this same period, 945 spills totaling 258,000 gallons of oil came from non-regulated carriers. SB 273 will expand the prevention and response program to include larger non-tank vessels and the railroads transporting oil in bulk.

Specifically, non-tank vessels covered by this bill are defined as self-propelled watercraft of 400 or greater gross registered tons. These vessels include larger fishing and processing vessels, cargo and cruise ships, and public vessels engaged in commerce such as the Alaska State Ferries. SB 273 requires these vessels to provide a response plan that will clean up the spill as quickly as possible with minimal damage to the environment. The legislation also requires vessel operators to provide proof of financial ability to respond to damages resulting from a spill.

Recent major oil spills along the Alaska Railroad system and from a large fishing vessel in Dutch Harbor illustrate the need to expand Alaska's oil spill prevention and response program. The railroad, cruise ships, large fishing vessels, container ships, along with Alaska's State Ferries carry large volumes of oil and should be prepared to respond quickly in the case of an spill.

Alaska is the only state on the West Coast that has not extended its contingency plan and financial responsibility laws to include non-tank vessels. In light of recent spills from these vessels in our waters, and from the railroad on our land, it is time to strengthen our oil spill laws. SB 273 will provide a heightened awareness of prevention and response readiness and will reduce the number and consequences of oil spills in the future.

Alaska State Legislature

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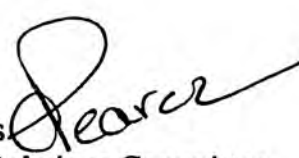


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Drue Pearce
President of the Senate

Memorandum

Date: April 14¹⁷, 2000

To: Representative Ramona Barnes 
World Trade & State/Federal Relations Committee

From: Senator Drue Pearce, Senate President.

RE: SB 273 – Oil Spill Response and Prevention

I concur with the amendments made by the House Resources Committee to SB 273.

In response to those who do not believe that they need to be a part of the State safety net for spill response, I offer the attached amendment as a compromise. In short, the amendment makes participation in the safety net optional. If a company chooses not to participate in the safety net and has a spill they will be subject to the civil liability standards for gross negligence currently set out in statute and higher expenses paid to the response organizations as a result of their lack of participation.

I respectfully request that SB 273 be scheduled for a hearing in the World Trade Committee at your earliest possible convenience.

Thank you for your consideration.

A M E N D M E N T

OFFERED IN THE

TO: HCS CSSB 273(RES), Version "X," dated 4/15/00

1 Page 4, following line 14:

2 Insert new subsections to read:

3 "(e) Notwithstanding (a) of this section, a person may cause or permit the
4 operation of a nontank vessel within the waters of this state or cause or permit the
5 transfer of oil to or from a nontank vessel without complying with the requirements
6 of (a) and (c) of this section. Notwithstanding (b) of this section, a person may cause
7 or permit the transfer of oil to or from a railroad tank car without complying with the
8 requirements of (b) and (c) of this section. If, under the authorization set out in this
9 subsection, a person causes or permits the operation of a nontank vessel or a railroad
10 tank car, or causes or permits the transfer of oil to or from a railroad tank car, without
11 complying with the requirements of (a) - (c) of this section and the person is
12 responsible under this section for the containment, control, and cleanup of an oil
13 discharge from the vessel or railroad tank car caused by the person's negligence or
14 intentional conduct, in addition to liability for any other penalties or damages, the
15 person is liable

16 (1) for payment to the state of an amount determined by multiplying
17 the amount of the penalty set out in AS 46.03.758(b)(1)(A) - (C) that may be imposed
18 for the oil discharge by a factor of five; and

19 (2) to each oil spill response action contractor or other party engaged
20 to contain, control, or clean up the oil in an amount of two times the actual costs of
21 the containment, control, and cleanup incurred by the contractor or other party.

22 (f) Notwithstanding the threshold amount of oil discharge that, under
23 AS 46.03.758(e), imposes liability for the payment of penalty under AS 46.03.758(b),
24 if a discharge of oil not permitted under applicable state and federal law occurs from
25 a nontank vessel or railroad tank car within the territorial jurisdiction of the state, or

1 into or upon the adjacent outer continental shelf of the state, in addition to the person
 2 causing or permitting the discharge, the following persons are jointly and severally
 3 liable to the state, in a civil action for the full amount of the penalties established in
 4 the regulations adopted under authority of AS 46.03.758(b) computed and applied to
 5 the total amount of oil discharged:

6 (1) if the discharge occurs from a railroad tank car, the owner and
 7 operator of the railroad tank car and

8 (A) the operator of the train of which the car is a part;

9 (B) the owner, lessee, or operator of, or other person
 10 responsible for, the storage yard in which the railroad tank car is parked at the
 11 time of the discharge; or

12 (C) the owner of the oil carried as cargo in the railroad tank
 13 car;

14 (2) if the discharge occurs from a nontank vessel, the owner and
 15 operator of the vessel."

16 Reletter the following subsections accordingly.

17 Page 5, line 16:

18 Delete "(f)"

19 Insert "(h)"

20 Page 7, line 14:

21 Delete "AS 46.04.055(f)"

22 Insert "AS 46.04.055(h)"

23 Page 7, line 21:

24 Delete "AS 46.04.055(f)"

25 Insert "AS 46.04.055(h)"

26 Page 7, line 24:

27 Delete "AS 46.04.055(f)"

1

Insert "AS 46.04.055(h)"