

106TH CONGRESS
2D SESSION

S. 2253

AN ACT

To authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rails to Resources Act
5 of 2000”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) rail transportation is an essential compo-
4 nent of the North American intermodal transpor-
5 tation system;

6 (2) the development of economically strong and
7 socially stable communities in the western United
8 States and Canada was encouraged significantly by
9 government policies promoting the development of
10 integrated transcontinental, interstate and inter-
11 provincial rail systems in the states, territories and
12 provinces of the two countries;

13 (3) United States and Canadian federal support
14 for the completion of new elements of the trans-
15 continental, interstate and interprovincial rail sys-
16 tems was halted before rail connections were estab-
17 lished to the state of Alaska and the Yukon Terri-
18 tory;

19 (4) both public and private lands in Alaska, the
20 Yukon Territory and northern British Columbia, in-
21 cluding lands held by aboriginal peoples, contain ex-
22 tensive deposits of oil, gas, coal and other minerals
23 as well as valuable forest products which presently
24 are inaccessible, but which could provide significant
25 economic benefit to local communities and to both

1 nations if an economically efficient transportation
2 system was available;

3 (5) rail transportation in otherwise isolated
4 areas facilitates controlled access and reduced over-
5 all impact to environmentally sensitive areas;

6 (6) the extension of the continental rail system
7 through northern British Columbia and the Yukon
8 Territory to the current terminus of the Alaska Rail-
9 road would significantly benefit the U.S. and Cana-
10 dian visitor industries by facilitating the comfortable
11 movement of passengers over long distances while
12 minimizing effects on the surrounding areas; and

13 (7) ongoing research and development efforts in
14 the rail industry continue to increase the efficiency
15 of rail transportation, ensure safety, and decrease
16 the impact of rail service on the environment.

17 **SEC. 3. AGREEMENT FOR A UNITED STATES-CANADA BILAT-**
18 **ERAL COMMISSION.**

19 The President is authorized and urged to enter into
20 an agreement with the Government of Canada to establish
21 a joint commission to study the feasibility and advisability
22 of linking the rail system in Alaska to the nearest appro-
23 priate point on the North American continental rail sys-
24 tem.

1 **SEC. 4. COMPOSITION OF COMMISSION.**

2 (a) MEMBERSHIP.—

3 (1) TOTAL MEMBERSHIP.—The Agreement
4 should provide for the Commission to be composed
5 of 20 members, of which 10 members are appointed
6 by the President and 10 members are appointed by
7 the Government of Canada.

8 (2) GENERAL QUALIFICATIONS.—The Agree-
9 ment should provide for the membership of the Com-
10 mission, to the maximum extent practicable, to be
11 representative of—

12 (A) the interests of the local communities
13 (including the governments of the commu-
14 nities), aboriginal peoples, and businesses that
15 would be affected by the connection of the rail
16 system in Alaska to the North American conti-
17 nental rail system; and

18 (B) a broad range of expertise in areas of
19 knowledge that are relevant to the significant
20 issues to be considered by the Commission, in-
21 cluding economics, engineering, management of
22 resources (such as minerals and timber), social
23 sciences, fish and game management, environ-
24 mental sciences, and transportation.

25 (b) UNITED STATES MEMBERSHIP.—If the United
26 States and Canada enter into an agreement providing for

1 the establishment of the Commission, the President shall
2 appoint the United States members of the Commission as
3 follows:

4 (1) Two members from among persons who are
5 qualified to represent the interests of communities
6 and local governments of Alaska.

7 (2) One member representing the State of Alas-
8 ka, to be nominated by the Governor of Alaska.

9 (3) One member from among persons who are
10 qualified to represent the interests of Native Alas-
11 kans residing in the area of Alaska that would be af-
12 fected by the extension of rail service.

13 (4) Three members from among persons in-
14 volved in commercial activities in Alaska who are
15 qualified to represent commercial interests in Alas-
16 ka, of which one shall be a representative of the
17 Alaska Railroad Corporation.

18 (5) Three members with relevant expertise, at
19 least one of whom shall be an engineer with exper-
20 tise in subarctic transportation.

21 (c) CANADIAN MEMBERSHIP.—The Agreement
22 should provide for the Canadian membership of the Com-
23 mission to be representative of broad categories of inter-
24 ests of Canada as the Government of Canada determines
25 appropriate, consistent with subsection (a)(2).

1 **SEC. 5. GOVERNANCE AND STAFFING OF COMMISSION.**

2 (a) CHAIRMAN.—The Agreement should provide for
3 the Chairman of the Commission to be elected from among
4 the members of the Commission by a majority vote of the
5 members.

6 (b) COMPENSATION AND EXPENSES OF UNITED
7 STATES MEMBERS.—

8 (1) COMPENSATION.—Each member of the
9 Commission appointed by the President who is not
10 an officer or employee of the Federal Government
11 shall be compensated at a rate equal to the daily
12 equivalent of the annual rate of basic pay prescribed
13 for level IV of the Executive Schedule under section
14 5315 of title 5, United States Code, for each day
15 (including travel time) during which such member is
16 engaged in the performance of the duties of the
17 Commission. Each such member who is an officer or
18 employee of the United States shall serve without
19 compensation in addition to that received for serv-
20 ices as an officer or employee of the United States.

21 (2) TRAVEL EXPENSES.—The members of the
22 Commission appointed by the President shall be al-
23 lowed travel expenses, including per diem in lieu of
24 subsistence, at rates authorized for employees of
25 agencies under subchapter I of chapter 57 of title 5,
26 United States Code, while away from their homes or

1 regular places of business in the performance of
2 services for the Commission.

3 (c) STAFF.—

4 (1) IN GENERAL.—The Agreement should pro-
5 vide for the appointment of a staff and an executive
6 director to be the head of the staff.

7 (2) COMPENSATION.—Funds made available for
8 the Commission by the United States may be used
9 to pay the compensation of the executive director
10 and other personnel at rates fixed by the Commis-
11 sion that are not in excess of the rate payable for
12 level V of the Executive Schedule under section 5316
13 of title 5, United States Code.

14 (d) OFFICE.—The Agreement should provide for the
15 office of the Commission to be located in a mutually
16 agreed location within the impacted areas of Alaska, the
17 Yukon Territory, and northern British Columbia.

18 (e) MEETINGS.—The Agreement should provide for
19 the Commission to meet at least biannually to review
20 progress and to provide guidance to staff and others, and
21 to hold, in locations within the affected areas of Alaska,
22 the Yukon Territory and northern British Columbia, such
23 additional informational or public meetings as the Com-
24 mission deems necessary to the conduct of its business.

1 (f) **PROCUREMENT OF SERVICES.**—The Agreement
 2 should authorize and encourage the Commission to pro-
 3 cure by contract, to the maximum extent practicable, the
 4 services (including any temporary and intermittent serv-
 5 ices) that the Commission determines necessary for car-
 6 rying out the duties of the Commission. In the case of
 7 any contract for the services of an individual, funds made
 8 available for the Commission by the United States may
 9 not be used to pay for the services of the individual at
 10 a rate that exceeds the daily equivalent of the annual rate
 11 of basic pay prescribed for level V of the Executive Sched-
 12 ule under section 5316 of title 5, United States Code.

13 **SEC. 6. DUTIES.**

14 (a) **STUDY.**—

15 (1) **IN GENERAL.**—The Agreement should pro-
 16 vide for the Commission to study and assess, on the
 17 basis of all available relevant information, the feasi-
 18 bility and advisability of linking the rail system in
 19 Alaska to the North American continental rail sys-
 20 tem through the continuation of the rail system in
 21 Alaska from its northeastern terminus to a connec-
 22 tion with the continental rail system in Canada.

23 (2) **SPECIFIC ISSUES.**—The Agreement should
 24 provide for the study and assessment to include the
 25 consideration of the following issues:

1 (A) Railroad engineering.

2 (B) Land ownership.

3 (C) Geology.

4 (D) Proximity to mineral, timber, tourist,
5 and other resources.

6 (E) Market outlook.

7 (F) Environmental considerations.

8 (G) Social effects, including changes in the
9 use or availability of natural resources.

10 (H) Potential financing mechanisms.

11 (3) ROUTE.—The Agreement should provide for
12 the Commission, upon finding that it is feasible and
13 advisable to link the rail system in Alaska as de-
14 scribed in paragraph (1), to determine one or more
15 recommended routes for the rail segment that estab-
16 lishes the linkage, taking into consideration cost, dis-
17 tance, access to potential freight markets, environ-
18 mental matters, and such other factors as the Com-
19 mission determines relevant.

20 (4) COMBINED CORRIDOR EVALUATION.—The
21 Agreement should also provide for the Commission
22 to consider whether it would be feasible and advis-
23 able to combine the power transmission infrastruc-
24 ture and petroleum product pipelines of other utili-

1 ties into one corridor with a rail extension of the rail
2 system of Alaska.

3 (b) REPORT.—The Agreement should require the
4 Commission to submit to Congress and the Secretary of
5 Transportation and to the Minister of Transport of the
6 Government of Canada, not later than 3 years after the
7 Commission commencement date, a report on the results
8 of the study, including the Commission's findings regard-
9 ing the feasibility and advisability of linking the rail sys-
10 tem in Alaska as described in subsection (a)(1) and the
11 Commission's recommendations regarding the preferred
12 route and any alternative routes for the rail segment es-
13 tablishing the linkage.

14 **SEC. 7. COMMENCEMENT AND TERMINATION OF COMMIS-**
15 **SION.**

16 (a) COMMENCEMENT.—The Agreement should pro-
17 vide for the Commission to begin to function on the date
18 on which all members are appointed to the Commission
19 as provided for in the Agreement.

20 (b) TERMINATION.—The Commission should be ter-
21 minated 90 days after the date on which the Commission
22 submits its report under section 6.

23 **SEC. 8. FUNDING.**

24 (a) RAILS TO RESOURCES FUND.—The Agreement
25 should provide for the following:

1 (1) ESTABLISHMENT.—The establishment of an
2 interest-bearing account to be known as the “Rails
3 to Resources Fund”.

4 (2) CONTRIBUTIONS.—The contribution by the
5 United States and the Government of Canada to the
6 Fund of amounts that are sufficient for the Commis-
7 sion to carry out its duties.

8 (3) AVAILABILITY.—The availability of amounts
9 in the Fund to pay the costs of Commission activi-
10 ties.

11 (4) DISSOLUTION.—Dissolution of the Fund
12 upon the termination of the Commission and dis-
13 tribution of the amounts remaining in the Fund be-
14 tween the United States and the Government of
15 Canada.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to any fund established as
18 described in subsection (a)(1) \$6,000,000, to remain avail-
19 able until expended.

20 **SEC. 9. DEFINITIONS.**

21 In this Act:

22 (1) AGREEMENT.—The term “Agreement”
23 means an agreement described in section 2.

1 (2) COMMISSION.—The term “Commission”
2 means a commission established pursuant to any
3 Agreement.

Passed the Senate October 13 (legislative day, September 22), 2000.

Attest:

Secretary.

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