

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2253

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## 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, Sep-  
tember 22), 2000.

Attest:

*Secretary.*

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