

Calendar No. 718

106TH CONGRESS
2^D SESSION

S. 2253

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.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2000

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 26, 2000

Reported by Mr. HELMS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

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 transeontinental, 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) per ton of freight moved, rail transportation
4 systems emit lower levels of carbon monoxide, nitro-
5 gen oxides and volatile organic compounds than
6 other modes of freight transportation;

7 (6) rail transportation systems are capable of
8 moving cargo with up to nine times the energy effi-
9 ciency of highway transportation;

10 (7) rail transportation in otherwise isolated
11 areas facilitates controlled access and reduced over-
12 all impact to environmentally sensitive areas;

13 (8) the extension of the continental rail system
14 through northern British Columbia and the Yukon
15 Territory to the current terminus of the Alaska Rail-
16 road would significantly benefit the U.S. and Cana-
17 dian visitor industries by facilitating the comfortable
18 movement of passengers over long distances while
19 minimizing effects on the surrounding areas;

20 (9) extension of the Alaska Railroad system to
21 the Canadian border is consistent with the intent of
22 Congress as expressed in the Alaska Railroad Or-
23 ganic Act of 1914, which called for a system of up
24 to 1,000 miles in length; and

1 (10) ongoing research and development efforts
 2 in the rail industry continue to increase the effi-
 3 ciency of rail transportation, ensure safety, and de-
 4 crease the impact of rail service on the environment.

5 **SEC. 3. AGREEMENT FOR A UNITED STATES-CANADA BILAT-**
 6 **ERAL COMMISSION.**

7 The President is authorized and urged to enter into
 8 an agreement with the government of Canada to establish
 9 a joint commission to study the technological and eco-
 10 nomic feasibility of linking the rail system in Alaska to
 11 the nearest appropriate point on the North American con-
 12 tinental rail system.

13 **SEC. 4. COMPOSITION OF COMMISSION.**

14 (a) MEMBERSHIP.—

15 (1) TOTAL MEMBERSHIP.—The Agreement
 16 should provide for the Commission to be composed
 17 of 18 members, of which 9 members are appointed
 18 by the President and 9 members are appointed by
 19 the government of Canada.

20 (2) GENERAL QUALIFICATIONS.—The Agree-
 21 ment should provide for the membership of the Com-
 22 mission, to the maximum extent practicable, to be
 23 representative of—

24 (A) the interests of the local communities
 25 (including the governments of the commu-

1 nities); aboriginal peoples, and businesses that
2 would be affected by the connection of the rail
3 system in Alaska to the North American conti-
4 nental rail system; and

5 (B) a broad range of expertise in areas of
6 knowledge that are relevant to the significant
7 issues to be considered by the Commission, in-
8 cluding economics, engineering, management of
9 resources (such as minerals and timber); social
10 sciences, fish and game management, environ-
11 mental sciences, and transportation.

12 (b) UNITED STATES MEMBERSHIP.—Under the
13 Agreement, the President shall appoint the United States
14 members of the Commission as follows:

15 (1) Two members from among persons who are
16 qualified to represent the interests of communities
17 and local governments of Alaska.

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

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

24 (4) Four members from among persons involved
25 in commercial activities in Alaska who are qualified

1 to represent commercial interests in Alaska, of which
 2 one shall be a representative of the Alaska Railroad
 3 Corporation.

4 (5) Two members from among scholars em-
 5 ployed in institutions of higher education in Alaska,
 6 at least one of whom must be an engineer with ex-
 7 pertise in subarctic transportation.

8 (c) CANADIAN MEMBERSHIP.—The Agreement
 9 should provide for the Canadian membership of the Com-
 10 mission to be representative of broad categories of inter-
 11 ests of Canada as the government of Canada determines
 12 appropriate, consistent with subsection (a)(2).

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

14 (a) CHAIRMAN.—The Agreement should provide for
 15 the Chairman of the Commission to be elected from among
 16 the members of the Commission by a majority vote of the
 17 members.

18 (b) COMPENSATION AND EXPENSES OF UNITED
 19 STATES MEMBERS.—

20 (1) COMPENSATION.—Each member of the
 21 Commission appointed by the President who is not
 22 an officer or employee of the Federal Government
 23 shall be compensated at a rate equal to the daily
 24 equivalent of the annual rate of basic pay prescribed
 25 for level IV of the Executive Schedule under section

1 5315 of title 5, United States Code, for each day
2 (including travel time) during which such member is
3 engaged in the performance of the duties of the
4 Commission. Each such member who is an officer or
5 employee of the United States shall serve without
6 compensation in addition to that received for serv-
7 ices as an officer or employee of the United States.

8 (2) TRAVEL EXPENSES.—The members of the
9 Commission appointed by the President shall be al-
10 lowed travel expenses, including per diem in lieu of
11 subsistence, at rates authorized for employees of
12 agencies under subchapter I of chapter 57 of title 5,
13 United States Code, while away from their homes or
14 regular places of business in the performance of
15 services for the Commission.

16 (c) STAFF.—

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

20 (2) COMPENSATION.—Funds made available for
21 the Commission by the United States may be used
22 to pay the compensation of the executive director
23 and other personnel at rates fixed by the Commis-
24 sion that are not in excess of the rate payable for

1 level V of the Executive Schedule under section 5316
2 of title 5, United States Code.

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

7 (e) MEETINGS.—The Agreement should provide for
8 the Commission to meet at least biannually to review
9 progress and to provide guidance to staff and others, and
10 to hold, in locations within the affected areas of Alaska,
11 the Yukon Territory and northern British Columbia, such
12 additional informational or public meetings as the Com-
13 mission deems necessary to the conduct of its business.

14 (f) PROCUREMENT OF SERVICES.—The Agreement
15 should authorize and encourage the Commission to pro-
16 cure by contract, to the maximum extent practicable, the
17 services (including any temporary and intermittent serv-
18 ices) that the Commission determines necessary for ear-
19 rying out the duties of the Commission. In the case of
20 any contract for the services of an individual, funds made
21 available for the Commission by the United States may
22 not be used to pay for the services of the individual at
23 a rate that exceeds the daily equivalent of the annual rate
24 of basic pay prescribed for level V of the Executive Sched-
25 ule under section 5316 of title 5, United States Code.

1 **SEC. 6. DUTIES.**

2 (a) **STUDY.**—

3 (1) **IN GENERAL.**—The Agreement should pro-
4 vide for the Commission to study and assess, on the
5 basis of all available relevant information, the tech-
6 nological and economic feasibility of linking the rail
7 system in Alaska to the North American continental
8 rail system through the continuation of the rail sys-
9 tem in Alaska from its northeastern terminus to a
10 connection with the continental rail system in Can-
11 ada.

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

15 (A) Railroad engineering.

16 (B) Land ownership.

17 (C) Geology.

18 (D) Proximity to mineral, timber and other
19 resources.

20 (E) Market outlook.

21 (F) Environmental considerations.

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

24 (H) Potential financing mechanisms.

25 (3) **ROUTE.**—The Agreement should provide for
26 the Commission, upon finding that it is techno-

1 logically and economically feasible to link the rail
2 system in Alaska as described in paragraph (1), to
3 determine one or more recommended routes for the
4 rail segment that establishes the linkage, taking into
5 consideration cost, distance, access to potential
6 freight markets, environmental matters, and such
7 other factors as the Commission determines relevant.

8 (4) COMBINED CORRIDOR EVALUATION.—The
9 Agreement should also provide for the Commission
10 to consider whether it would be useful and techno-
11 logically and economically feasible to combine the
12 power transmission infrastructure and petroleum
13 product pipelines of other utilities into one corridor
14 with a rail extension of the rail system of Alaska.

15 (b) REPORT.—The Agreement should require the
16 Commission to submit to Congress and the Secretary of
17 Transportation and to the Minister of Transport of the
18 government of Canada, not later than 5 years after the
19 Commission commencement date, a report on the results
20 of the study, including the following:

21 (1) FEASIBILITY.—The Commission's findings
22 regarding the technological and economical feasi-
23 bility of linking the rail system in Alaska as de-
24 scribed in subsection (a)(1).

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

4 (4) DISSOLUTION.—Dissolution of the Fund
5 upon the termination of the Commission and dis-
6 tribution of the amounts in the Fund between the
7 United States and the government of Canada.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
9 are hereby authorized to be appropriated to any Fund es-
10 tablished as described in subsection (a)(1) in the total
11 amount of \$6,000,000, to remain available until expended.

12 **SEC. 9. DEFINITIONS.**

13 In this section:

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

16 (2) COMMISSION.—The term “Commission”
17 means a commission established pursuant to any
18 Agreement.

19 (3) COMMISSION COMMENCEMENT DATE.—The
20 date determined under section 6(a).

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Rails to Resources Act*
23 *of 2000”.*

24 **SEC. 2. FINDINGS.**

25 *Congress finds that—*

1 (1) rail transportation is an essential component
2 of the North American intermodal transportation sys-
3 tem;

4 (2) the development of economically strong and
5 socially stable communities in the western United
6 States and Canada was encouraged significantly by
7 government policies promoting the development of in-
8 tegrated transcontinental, interstate and interprovin-
9 cial rail systems in the states, territories and prov-
10 inces of the two countries;

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

16 (4) both public and private lands in Alaska, the
17 Yukon Territory and northern British Columbia, in-
18 cluding lands held by aboriginal peoples, contain ex-
19 tensive deposits of oil, gas, coal and other minerals as
20 well as valuable forest products which presently are
21 inaccessible, but which could provide significant eco-
22 nomic benefit to local communities and to both na-
23 tions if an economically efficient transportation sys-
24 tem was available;

1 (5) rail transportation in otherwise isolated
2 areas facilitates controlled access and reduced overall
3 impact to environmentally sensitive areas;

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

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

15 **SEC. 3. AGREEMENT FOR A UNITED STATES-CANADA BILAT-**
16 **ERAL COMMISSION.**

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

22 **SEC. 4. COMPOSITION OF COMMISSION.**

23 (a) *MEMBERSHIP.*—

24 (1) *TOTAL MEMBERSHIP.*—*The Agreement should*
25 *provide for the Commission to be composed of 20*

1 *members, of which 10 members are appointed by the*
2 *President and 10 members are appointed by the Gov-*
3 *ernment of Canada.*

4 (2) *GENERAL QUALIFICATIONS.—The Agreement*
5 *should provide for the membership of the Commission,*
6 *to the maximum extent practicable, to be representa-*
7 *tive of—*

8 (A) *the interests of the local communities*
9 *(including the governments of the communities),*
10 *aboriginal peoples, and businesses that would be*
11 *affected by the connection of the rail system in*
12 *Alaska to the North American continental rail*
13 *system; and*

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

21 (b) *UNITED STATES MEMBERSHIP.—If the United*
22 *States and Canada enter into an agreement providing for*
23 *the establishment of the Commission, the President shall ap-*
24 *point the United States members of the Commission as fol-*
25 *lows:*

1 (1) *Two members from among persons who are*
2 *qualified to represent the interests of communities*
3 *and local governments of Alaska.*

4 (2) *One member representing the State of Alaska,*
5 *to be nominated by the Governor of Alaska.*

6 (3) *One member from among persons who are*
7 *qualified to represent the interests of Native Alaskans*
8 *residing in the area of Alaska that would be affected*
9 *by the extension of rail service.*

10 (4) *Three members from among persons involved*
11 *in commercial activities in Alaska who are qualified*
12 *to represent commercial interests in Alaska, of which*
13 *one shall be a representative of the Alaska Railroad*
14 *Corporation.*

15 (5) *Three members with relevant expertise, at*
16 *least one of whom shall be an engineer with expertise*
17 *in subarctic transportation.*

18 (c) *CANADIAN MEMBERSHIP.—The Agreement should*
19 *provide for the Canadian membership of the Commission*
20 *to be representative of broad categories of interests of Can-*
21 *ada as the Government of Canada determines appropriate,*
22 *consistent with subsection (a)(2).*

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

24 (a) *CHAIRMAN.—The Agreement should provide for the*
25 *Chairman of the Commission to be elected from among the*

1 *members of the Commission by a majority vote of the mem-*
2 *bers.*

3 (b) *COMPENSATION AND EXPENSES OF UNITED*
4 *STATES MEMBERS.—*

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

18 (2) *TRAVEL EXPENSES.—The members of the*
19 *Commission appointed by the President shall be al-*
20 *lowed travel expenses, including per diem in lieu of*
21 *subsistence, at rates authorized for employees of agen-*
22 *cies under subchapter I of chapter 57 of title 5,*
23 *United States Code, while away from their homes or*
24 *regular places of business in the performance of serv-*
25 *ices for the Commission.*

1 (c) *STAFF.*—

2 (1) *IN GENERAL.*—*The Agreement should provide*
3 *for the appointment of a staff and an executive direc-*
4 *tor to be the head of the staff.*

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

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

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

23 (f) *PROCUREMENT OF SERVICES.*—*The Agreement*
24 *should authorize and encourage the Commission to procure*
25 *by contract, to the maximum extent practicable, the services*

1 *(including any temporary and intermittent services) that*
2 *the Commission determines necessary for carrying out the*
3 *duties of the Commission. In the case of any contract for*
4 *the services of an individual, funds made available for the*
5 *Commission by the United States may not be used to pay*
6 *for the services of the individual at a rate that exceeds the*
7 *daily equivalent of the annual rate of basic pay prescribed*
8 *for level V of the Executive Schedule under section 5316*
9 *of title 5, United States Code.*

10 **SEC. 6. DUTIES.**

11 *(a) STUDY.—*

12 *(1) IN GENERAL.—The Agreement should provide*
13 *for the Commission to study and assess, on the basis*
14 *of all available relevant information, the feasibility*
15 *and advisability of linking the rail system in Alaska*
16 *to the North American continental rail system*
17 *through the continuation of the rail system in Alaska*
18 *from its northeastern terminus to a connection with*
19 *the continental rail system in Canada.*

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

23 *(A) Railroad engineering.*

24 *(B) Land ownership.*

25 *(C) Geology.*

1 (D) *Proximity to mineral, timber, tourist,*
2 *and other resources.*

3 (E) *Market outlook.*

4 (F) *Environmental considerations.*

5 (G) *Social effects, including changes in the*
6 *use or availability of natural resources.*

7 (H) *Potential financing mechanisms.*

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

17 (4) *COMBINED CORRIDOR EVALUATION.—The*
18 *Agreement should also provide for the Commission to*
19 *consider whether it would be feasible and advisable to*
20 *combine the power transmission infrastructure and*
21 *petroleum product pipelines of other utilities into one*
22 *corridor with a rail extension of the rail system of*
23 *Alaska.*

24 (b) *REPORT.—The Agreement should require the Com-*
25 *mission to submit to Congress and the Secretary of Trans-*

1 *portation and to the Minister of Transport of the Govern-*
2 *ment of Canada, not later than 3 years after the Commis-*
3 *sion commencement date, a report on the results of the*
4 *study, including the Commission's findings regarding the*
5 *feasibility and advisability of linking the rail system in*
6 *Alaska as described in subsection (a)(1) and the Commis-*
7 *sion's recommendations regarding the preferred route and*
8 *any alternative routes for the rail segment establishing the*
9 *linkage.*

10 **SEC. 7. COMMENCEMENT AND TERMINATION OF COMMIS-**
11 **SION.**

12 (a) *COMMENCEMENT.*—*The Agreement should provide*
13 *for the Commission to begin to function on the date on*
14 *which all members are appointed to the Commission as pro-*
15 *vided for in the Agreement.*

16 (b) *TERMINATION.*—*The Commission should be termi-*
17 *nated 90 days after the date on which the Commission sub-*
18 *mits its report under section 6.*

19 **SEC. 8. FUNDING.**

20 (a) *RAILS TO RESOURCES FUND.*—*The Agreement*
21 *should provide for the following:*

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

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

5 (3) *AVAILABILITY.*—*The availability of amounts*
6 *in the Fund to pay the costs of Commission activities.*

7 (4) *DISSOLUTION.*—*Dissolution of the Fund*
8 *upon the termination of the Commission and dis-*
9 *tribution of the amounts remaining in the Fund be-*
10 *tween the United States and the Government of Can-*
11 *ada.*

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated to any fund established as*
14 *described in subsection (a)(1) \$6,000,000, to remain avail-*
15 *able until expended.*

16 **SEC. 9. DEFINITIONS.**

17 *In this Act:*

18 (1) *AGREEMENT.*—*The term “Agreement” means*
19 *an agreement described in section 2.*

20 (2) *COMMISSION.*—*The term “Commission”*
21 *means a commission established pursuant to any*
22 *Agreement.*

Calendar No. 718

106TH CONGRESS
2D SESSION

S. 2253

A BILL

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.

JULY 26, 2000

Reported with an amendment