

(competitive service) or the priority employment list (excepted service).”

REFERENCES TO INTERSTATE COMMERCE COMMISSION  
DEEMED TO BE REFERENCES TO SURFACE TRANSPORTATION BOARD

Pub. L. 104-88, title II, § 205, Dec. 29, 1995, 109 Stat. 943, provided that: “Any reference to the Interstate Commerce Commission in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Interstate Commerce Commission or an officer or employee of the Interstate Commerce Commission, is deemed to refer to the Board [Surface Transportation Board], a member or employee of the Board, or the Secretary, as appropriate.”

**§ 1302. Functions**

Except as otherwise provided in the ICC Termination Act of 1995, or the amendments made thereby, the Board shall perform all functions that, immediately before January 1, 1996, were functions of the Interstate Commerce Commission or were performed by any officer or employee of the Interstate Commerce Commission in the capacity as such officer or employee.

(Added Pub. L. 104-88, title II, § 201(a), Dec. 29, 1995, 109 Stat. 933, § 702; amended Pub. L. 104-287, § 5(6), Oct. 11, 1996, 110 Stat. 3389; renumbered § 1302, Pub. L. 114-110, § 3(a)(3), Dec. 18, 2015, 129 Stat. 2228.)

REFERENCES IN TEXT

The ICC Termination Act of 1995, referred to in text, is Pub. L. 104-88, Dec. 29, 1995, 109 Stat. 803. For complete classification of this Act to the Code, see Short Title of 1995 Amendment note set out under section 101 of this title and Tables.

AMENDMENTS

2015—Pub. L. 114-110 renumbered section 702 of this title as this section.

1996—Pub. L. 104-287 substituted “January 1, 1996” for “the effective date of such Act”.

ABOLITION OF INTERSTATE COMMERCE COMMISSION

Interstate Commerce Commission abolished by section 101 of Pub. L. 104-88, set out as a note under section 1301 of this title.

**§ 1303. Administrative provisions**

(a) OPEN MEETINGS.—

(1) IN GENERAL.—The Board shall be deemed to be an agency for purposes of section 552b of title 5.

(2) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

(A) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the members may hold a meeting that is not open to public observation to discuss official agency business if—

(i) no formal or informal vote or other official agency action is taken at the meeting;

(ii) each individual present at the meeting is a member or an employee of the Board; and

(iii) the General Counsel of the Board is present at the meeting.

(B) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under subparagraph (C), not later than 2

business days after the conclusion of a meeting under subparagraph (A), the Board shall make available to the public, in a place easily accessible to the public—

(i) a list of the individuals present at the meeting; and

(ii) a summary of the matters discussed at the meeting, except for any matters the Board properly determines may be withheld from the public under section 552b(c) of title 5.

(C) SUMMARY.—If the Board properly determines matters may be withheld from the public under section 555b(c) of title 5, the Board shall provide a summary with as much general information as possible on those matters withheld from the public.

(D) ONGOING PROCEEDINGS.—If a discussion under subparagraph (A) directly relates to an ongoing proceeding before the Board, the Board shall make the disclosure under subparagraph (B) on the date of the final Board decision.

(E) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this paragraph may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the members other than that described in this paragraph.

(F) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed—

(i) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under subparagraph (B)(ii); or

(ii) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.

(b) REPRESENTATION BY ATTORNEYS.—Attorneys designated by the Chairman of the Board may appear for, and represent the Board in, any civil action brought in connection with any function carried out by the Board pursuant to this chapter or subtitle IV or as otherwise authorized by law.

(c) ADMISSION TO PRACTICE.—Subject to section 500 of title 5, the Board may regulate the admission of individuals to practice before it and may impose a reasonable admission fee.

(d) SUBMISSION OF CERTAIN DOCUMENTS TO CONGRESS.—

(1) IN GENERAL.—If the Board submits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for a congressional hearing, or comment on legislation to the President or to the Office of Management and Budget, the Board shall concurrently submit a copy of such document to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) NO APPROVAL REQUIRED.—No officer or agency of the United States has any authority to require the Board to submit budget estimates or requests, legislative recommenda-

tions, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review before submitting such recommendations, testimony, or comments to Congress.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §703; renumbered §1303 and amended Pub. L. 114-110, §§3(a)(3), (c)(1), 5, Dec. 18, 2015, 129 Stat. 2228-2230.)

#### AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 703 of this title as this section.

Subsec. (a). Pub. L. 114-110, §5, amended subsec. (a) generally. Prior to amendment, text read as follows: “For purposes of section 552b of title 5, United States Code, the Board shall be deemed to be an agency.”

Pub. L. 114-110, §3(c)(1)(A), (B), redesignated subsec. (b) as (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Chapter 9 of title 5, United States Code, shall apply to the Board in the same manner as it does to an independent regulatory agency, and the Board shall be an establishment of the United States Government.”

Subsec. (b). Pub. L. 114-110, §3(c)(1)(B), redesignated subsec. (d) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 114-110, §3(c)(1)(A), (B), redesignated subsec. (e) as (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “In the performance of their functions, the members, employees, and other personnel of the Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department of Transportation.”

Subsec. (d). Pub. L. 114-110, §3(c)(1)(C), added subsec. (d). Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 114-110, §3(c)(1)(B), redesignated subsec. (e) as (c).

Subsecs. (f), (g). Pub. L. 114-110, §3(c)(1)(A), struck out subsecs. (f) and (g) which read as follows:

“(f) BUDGET REQUESTS.—In each annual request for appropriations by the President, the Secretary of Transportation shall identify the portion thereof intended for the support of the Board and include a statement by the Board—

“(1) showing the amount requested by the Board in its budgetary presentation to the Secretary and the Office of Management and Budget; and

“(2) an assessment of the budgetary needs of the Board.

“(g) DIRECT TRANSMITTAL TO CONGRESS.—The Board shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation. An officer of an agency may not impose conditions on or impair communications by the Board with Congress, or a committee or Member of Congress, about the information.”

### § 1304. Reports

(a) ANNUAL REPORT.—The Board shall annually transmit to the Congress a report on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.

(b) RATE CASE REVIEW METRICS.—

(1) QUARTERLY REPORTS.—The Board shall post a quarterly report of rail rate review cases pending or completed by the Board during the previous quarter that includes—

(A) summary information of the case, including the docket number, case name, commodity or commodities involved, and rate review guideline or guidelines used;

(B) the date on which the rate review proceeding began;

(C) the date for the completion of discovery;

(D) the date for the completion of the evidentiary record;

(E) the date for the submission of closing briefs;

(F) the date on which the Board issued the final decision; and

(G) a brief summary of the final decision;

(2) WEBSITE POSTING.—Each quarterly report shall be posted on the Board’s public website.

(c) COMPLAINTS.—

(1) IN GENERAL.—The Board shall establish and maintain a database of complaints received by the Board.

(2) QUARTERLY REPORTS.—The Board shall post a quarterly report of formal and informal service complaints received by the Board during the previous quarter that includes—

(A) the date on which the complaint was received by the Board;

(B) a list of the type of each complaint;

(C) the geographic region of each complaint; and

(D) the resolution of each complaint, if appropriate.

(3) WRITTEN CONSENT.—The quarterly report may identify a complainant that submitted an informal complaint only upon the written consent of the complainant.

(4) WEBSITE POSTING.—Each quarterly report shall be posted on the Board’s public website.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §704; renumbered §1304 and amended Pub. L. 114-110, §§3(a)(3), 6, Dec. 18, 2015, 129 Stat. 2228, 2231.)

#### AMENDMENTS

2015—Pub. L. 114-110, §6, substituted “Reports” for “Annual report” in section catchline, designated existing provisions as subsec. (a) and inserted heading, substituted “on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.” for “on its activities.”, and added subsecs. (b) and (c).

Pub. L. 114-110, §3(a)(3), renumbered section 704 of this title as this section.

#### QUARTERLY REPORTS

Pub. L. 114-110, §15(b), Dec. 18, 2015, 129 Stat. 2238, provided that: “Beginning not later than 60 days after the date of the enactment of this Act [Dec. 18, 2015], the Surface Transportation Board shall submit quarterly reports to the congressional committees referred to in section 14(b) [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] that describes the Surface Transportation Board’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.”

### § 1305. Authorization of appropriations

There are authorized to be appropriated for the activities of the Board—

(1) \$33,000,000 for fiscal year 2016;

(2) \$35,000,000 for fiscal year 2017;

(3) \$35,500,000 for fiscal year 2018;