

shortchanges CMS of thoughtful, constructive feedback that is necessary to improve a program that our seniors enjoy and rely on.

H.R. 3831 is a simple, straightforward bill that will improve the current process by expanding the cycle from 45 to 60 days, and that gives plans, stakeholders, Members, and our staff 30 full days—double the current time allowed—to analyze and provide feedback on the draft call letter and rate notice.

This is a no-cost, good-government, bipartisan bill that will make the process more transparent, fair, and advantageous for the beneficiaries we serve. As my good friend from Ohio pointed out, we have already passed this bill. It is only coming back for some technical changes. I would ask, and strongly recommend, that all our colleagues vote in favor of this bill so we can pass it to the Senate and get on with our work.

Mr. Speaker, I yield back the balance of my time.

#### GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3831, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TIBERI. Mr. Speaker, just to close, I agree 100 percent with my friend from California. I urge all our colleagues to support this important piece of legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and pass the bill, H.R. 3831, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

### SURFACE TRANSPORTATION BOARD REAUTHORIZATION ACT OF 2015

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 808) to establish the Surface Transportation Board as an independent establishment, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 808

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Surface Transportation Board Reauthorization Act of 2015”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 49, United States Code.

Sec. 3. Establishment of Surface Transportation Board as an independent establishment.

Sec. 4. Surface Transportation Board membership.

Sec. 5. Nonpublic collaborative discussions.

Sec. 6. Reports.

Sec. 7. Authorization of appropriations.

Sec. 8. Agent in the District of Columbia.

Sec. 9. Department of Transportation Inspector General authority.

Sec. 10. Amendment to table of sections.

Sec. 11. Procedures for rate cases.

Sec. 12. Investigative authority.

Sec. 13. Arbitration of certain rail rates and practices disputes.

Sec. 14. Effect of proposals for rates from multiple origins and destinations.

Sec. 15. Reports.

Sec. 16. Criteria.

Sec. 17. Construction.

#### SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

#### SEC. 3. ESTABLISHMENT OF SURFACE TRANSPORTATION BOARD AS AN INDEPENDENT ESTABLISHMENT.

(a) REDESIGNATION OF CHAPTER 7 OF TITLE 49, UNITED STATES CODE.—Title 49 is amended—

(1) by moving chapter 7 after chapter 11 in subtitle II;

(2) by redesignating chapter 7 as chapter 13;

(3) by redesignating sections 701 through 706 as sections 1301 through 1306, respectively;

(4) by striking sections 725 and 727;

(5) by redesignating sections 721 through 724 as sections 1321 through 1324, respectively; and

(6) by redesignating section 726 as section 1325.

(b) INDEPENDENT ESTABLISHMENT.—Section 1301, as redesignated by subsection (a)(3), is amended by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—The Surface Transportation Board is an independent establishment of the United States Government.”

(c) CONFORMING AMENDMENTS.—

(1) ADMINISTRATIVE PROVISIONS.—Section 1303, as redesignated by subsection (a)(3), is amended—

(A) by striking subsections (a), (c), (f), and (g);

(B) by redesignating subsections (b), (d), and (e) as subsections (a), (b), and (c), respectively; and

(C) by adding at the end the following:

“(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.”

#### SEC. 4. SURFACE TRANSPORTATION BOARD MEMBERSHIP.

(a) IN GENERAL.—Section 1301(b), as redesignated by subsection 3(a), is amended—

(1) in paragraph (1)—

(A) by striking “3 members” and inserting “5 members”; and

(B) by striking “2 members” and inserting “3 members”; and

(2) by striking paragraph (2) and inserting the following:

“(2) At all times—

“(A) at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation, transportation regulation, or economic regulation; and

“(B) at least 2 members shall be individuals with professional or business experience (including agriculture) in the private sector.”

(b) REPEAL OF OBSOLETE PROVISION.—Section 1301(b), as amended by this section, is further amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(3) in paragraph (4), as redesignated, by striking “who becomes a member of the Board pursuant to paragraph (4), or an individual”.

#### SEC. 5. NONPUBLIC COLLABORATIVE DISCUSSIONS.

Section 1303(a), as redesignated by subsections (a) and (c) of section 3, is amended to read as follows:

“(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.”.

#### SEC. 6. REPORTS.

(a) REPORTS.—Section 1304, as amended by section 3, is further amended—

(1) by striking the section heading and inserting the following:

##### “§ 1304. Reports”;

(2) by inserting “(a) ANNUAL REPORT.—” before “The Board”;

(3) by striking “on its activities.” and inserting “on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.”; and

(4) by adding at the end the following:

“(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.”.

(b) COMPILATION OF COMPLAINTS AT SURFACE TRANSPORTATION BOARD.—

(1) IN GENERAL.—Section 1304, as amended by subsection (a), is further amended by adding at the end the following:

“(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.”.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 1305, as redesignated by section 3, is amended by striking paragraphs (1) through (3) and inserting the following:

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

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

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

“(4) \$35,500,000 for fiscal year 2019; and

“(5) \$36,000,000 for fiscal year 2020.”.

#### SEC. 8. AGENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF AGENT AND SERVICE OF NOTICE.—Section 1323, as redesignated by section 3(a), is amended—

(1) in subsection (a), by striking “in the District of Columbia,”; and

(2) in subsection (c), by striking “in the District of Columbia”.

(b) SERVICE OF PROCESS IN COURT PROCEEDINGS.—Section 1324(a), as redesignated by section 3(a), is amended by striking “in the District of Columbia” each place such phrase appears.

#### SEC. 9. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL AUTHORITY.

Subchapter II of chapter 13, as redesignated by section 3(a)(2), is amended by inserting after section 1325, as redesignated by section 3(a)(6), the following:

##### “§ 1326. Authority of the Inspector General

“(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the Surface Transportation Board, including internal accounting and administrative control systems, to determine the Board’s compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the Chairman of the Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

“(2) issue findings and recommendations for actions to address the problems referred to in paragraph (1); and

“(3) submit periodic reports to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that describe any progress made in implementing actions to address the problems referred to in paragraph (1).

“(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised under this section.

“(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Board shall have a reimbursement agreement to cover such expense.”.

#### SEC. 10. AMENDMENT TO TABLE OF SECTIONS.

The table of sections for chapter 13, as redesignated by section 3(a), is amended to read as follows:

##### “CHAPTER 13—SURFACE TRANSPORTATION BOARD

###### “I—ESTABLISHMENT

“Sec.

“1301. Establishment of Board

“1302. Functions.

“1303. Administrative provisions.

“1304. Reports.

“1305. Authorization of appropriations.

“1306. Reporting official action.

###### “II—ADMINISTRATIVE

“1321. Powers.

“1322. Board action.

“1323. Service of notice in Board proceedings.

“1324. Service of process in court proceedings.

“1325. Railroad-Shipper Transportation Advisory Council.

“1326. Authority of the Inspector General.”.

#### SEC. 11. PROCEDURES FOR RATE CASES.

(a) SIMPLIFIED PROCEDURE.—Section 10701(d)(3) is amended to read as follows:

“(3) The Board shall maintain 1 or more simplified and expedited methods for determining the reasonableness of challenged rates in those cases in which a full stand-alone cost presentation is too costly, given the value of the case.”.

(b) EXPEDITED HANDLING; RATE REVIEW TIMELINES.—Section 10704(d) is amended—

(1) by striking “(d) Within 9 months” and all that follows through “railroad rates.” and inserting the following:

“(d)(1) The Board shall maintain procedures to ensure the expeditious handling of challenges to the reasonableness of railroad rates.”; and

(2) by adding at the end the following:

“(2)(A) Except as provided under subparagraph (B), in a stand-alone cost rate challenge, the Board shall comply with the following timeline:

“(i) Discovery shall be completed not later than 150 days after the date on which the challenge is initiated.

“(ii) The development of the evidentiary record shall be completed not later than 155 days after the date on which discovery is completed under clause (i).

“(iii) The closing brief shall be submitted not later than 60 days after the date on which the development of the evidentiary record is completed under clause (ii).

“(iv) A final Board decision shall be issued not later than 180 days after the date on which the evidentiary record is completed under clause (ii).

“(B) The Board may extend a timeline under subparagraph (A) after a request from any party or in the interest of due process.”.

(c) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Surface Transportation Board shall initiate a proceeding to assess procedures that are available to parties in litigation before courts to expedite such litigation and the potential application of any such procedures to rate cases.

(d) EXPIRED RAIL SERVICE CONTRACT LIMITATION.—Section 10709 is amended by striking subsection (h).

#### SEC. 12. INVESTIGATIVE AUTHORITY.

(a) AUTHORITY TO INITIATE INVESTIGATIONS.—Section 11701(a) is amended—

(1) by striking “only on complaint” and inserting “on the Board’s own initiative or upon receiving a complaint pursuant to subsection (b)”;

(2) by adding at the end the following: “If the Board finds a violation of this part in a proceeding brought on its own initiative, any remedy from such proceeding may only be applied prospectively.”.

(b) LIMITATIONS ON INVESTIGATIONS OF THE BOARD’S INITIATIVE.—Section 11701, as amended by subsection (a), is further amended by adding at the end the following:

“(d) In any investigation commenced on the Board’s own initiative, the Board shall—

“(1) not later than 30 days after initiating the investigation, provide written notice to the parties under investigation, which shall state the basis for such investigation;

“(2) only investigate issues that are of national or regional significance;

“(3) permit the parties under investigation to file a written statement describing any or all facts and circumstances concerning a matter which may be the subject of such investigation;

“(4) make available to the parties under investigation and Board members—

“(A) any recommendations made as a result of the investigation; and

“(B) a summary of the findings that support such recommendations;

“(5) to the extent practicable, separate the investigative and decisionmaking functions of staff;

“(6) dismiss any investigation that is not concluded by the Board with administrative finality within 1 year after the date on which it was commenced; and

“(7) not later than 90 days after receiving the recommendations and summary of findings under paragraph (4)—

“(A) dismiss the investigation if no further action is warranted; or

“(B) initiate a proceeding to determine if a provision under this part has been violated.

“(e)(1) Any parties to an investigation against whom a violation is found as a result of an investigation begun on the Board’s own initiative may, not later than 60 days after the date of the order of the Board finding such a violation, institute an action in the United States court of appeals for the appropriate judicial circuit for de novo review of such order in accordance with chapter 7 of title 5.

“(2) The court—

“(A) shall have jurisdiction to enter a judgment affirming, modifying, or setting aside, in whole or in part, the order of the Board; and

“(B) may remand the proceeding to the Board for such further action as the court may direct.”.

(c) RULEMAKINGS FOR INVESTIGATIONS OF THE BOARD’S INITIATIVE.—Not later than 1 year after the date of the enactment of this Act, the Board shall issue rules, after notice and comment rulemaking, for investigations commenced on its own initiative that—

(1) comply with the requirements of section 11701(d) of title 49, United States Code, as added by subsection (b);

(2) satisfy due process requirements; and

(3) take into account ex parte constraints.

### SEC. 13. ARBITRATION OF CERTAIN RAIL RATES AND PRACTICES DISPUTES.

(a) IN GENERAL.—Chapter 117 is amended by adding at the end the following:

#### “§ 11708. Voluntary arbitration of certain rail rates and practices disputes

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of the Surface Transportation Board Reauthorization Act of 2015, the Board shall promulgate regulations to establish a voluntary and binding arbitration process to resolve rail rate and practice complaints subject to the jurisdiction of the Board.

“(b) COVERED DISPUTES.—The voluntary and binding arbitration process established pursuant to subsection (a)—

“(1) shall apply to disputes involving—

“(A) rates, demurrage, accessorial charges, misrouting, or mishandling of rail cars; or

“(B) a carrier’s published rules and practices as applied to particular rail transportation;

“(2) shall not apply to disputes—

“(A) to obtain the grant, denial, stay, or revocation of any license, authorization, or exemption;

“(B) to prescribe for the future any conduct, rules, or results of general, industry-wide applicability;

“(C) to enforce a labor protective condition; or

“(D) that are solely between 2 or more rail carriers; and

“(3) shall not prevent parties from independently seeking or utilizing private arbitration services to resolve any disputes the parties may have.

“(c) ARBITRATION PROCEDURES.—

“(1) IN GENERAL.—The Board—

“(A) may make the voluntary and binding arbitration process established pursuant to subsection (a) available only to the relevant parties;

“(B) may make the voluntary and binding arbitration process available only—

“(i) after receiving the written consent to arbitrate from all relevant parties; and

“(ii)(I) after the filing of a written complaint; or

“(II) through other procedures adopted by the Board in a rulemaking proceeding;

“(C) with respect to rate disputes, may make the voluntary and binding arbitration process available only to the relevant parties if the rail carrier has market dominance (as determined under section 10707); and

“(D) may initiate the voluntary and binding arbitration process not later than 40 days after the date on which a written complaint is filed or through other procedures adopted by the Board in a rulemaking proceeding.

“(2) LIMITATION.—Initiation of the voluntary and binding arbitration process shall preclude the Board from separately reviewing a complaint or dispute related to the same rail rate or practice in a covered dispute involving the same parties.

“(3) RATES.—In resolving a covered dispute involving the reasonableness of a rail carrier’s rates, the arbitrator or panel of arbitrators, as applicable, shall consider the Board’s methodologies for setting maximum lawful rates, giving due consideration to the need for differential pricing to permit a rail carrier to collect adequate revenues (as determined under section 10704(a)(2)).

“(d) ARBITRATION DECISIONS.—Any decision reached in an arbitration process under this section—

“(1) shall be consistent with sound principles of rail regulation economics;

“(2) shall be in writing;

“(3) shall contain findings of fact and conclusions;

“(4) shall be binding upon the parties; and

“(5) shall not have any precedential effect in any other or subsequent arbitration dispute.

“(e) TIMELINES.—

“(1) SELECTION.—An arbitrator or panel of arbitrators shall be selected not later than 14 days after the date of the Board’s decision to initiate arbitration.

“(2) EVIDENTIARY PROCESS.—The evidentiary process of the voluntary and binding arbitration process shall be completed not later than 90 days after the date on which the arbitration process is initiated unless—

“(A) a party requests an extension; and

“(B) the arbitrator or panel of arbitrators, as applicable, grants such extension request.

“(3) DECISION.—The arbitrator or panel of arbitrators, as applicable, shall issue a decision not later than 30 days after the date on which the evidentiary record is closed.

“(4) EXTENSIONS.—The Board may extend any of the timelines under this subsection upon the agreement of all parties in the dispute.

“(f) ARBITRATORS.—

“(1) IN GENERAL.—Unless otherwise agreed by all of the parties, an arbitration under this section shall be conducted by an arbitrator or panel of arbitrators, which shall be selected from a roster, maintained by the Board, of persons with rail transportation, economic regulation, professional or busi-

ness experience, including agriculture, in the private sector.

“(2) INDEPENDENCE.—In an arbitration under this section, the arbitrators shall perform their duties with diligence, good faith, and in a manner consistent with the requirements of impartiality and independence.

“(3) SELECTION.—

“(A) IN GENERAL.—If the parties cannot mutually agree on an arbitrator, or the lead arbitrator of a panel of arbitrators, the parties shall select the arbitrator or lead arbitrator from the roster by alternately striking names from the roster until only 1 name remains meeting the criteria set forth in paragraph (1).

“(B) PANEL OF ARBITRATORS.—If the parties agree to select a panel of arbitrators, instead of a single arbitrator, the panel shall be selected under this subsection as follows:

“(i) The parties to a dispute may mutually select 1 arbitrator from the roster to serve as the lead arbitrator of the panel of arbitrators.

“(ii) If the parties cannot mutually agree on a lead arbitrator, the parties shall select a lead arbitrator using the process described in subparagraph (A).

“(iii) In addition to the lead arbitrator selected under this subparagraph, each party to a dispute shall select 1 additional arbitrator from the roster, regardless of whether the other party struck out the arbitrator’s name under subparagraph (A).

“(4) COST.—The parties shall share the costs incurred by the Board and arbitrators equally, with each party responsible for paying its own legal and other associated arbitration costs.

“(g) RELIEF.—

“(1) IN GENERAL.—Subject to the limitations set forth in paragraphs (2) and (3), an arbitral decision under this section may award the payment of damages or rate prescriptive relief.

“(2) PRACTICE DISPUTES.—The damage award for practice disputes may not exceed \$2,000,000.

“(3) RATE DISPUTES.—

“(A) MONETARY LIMIT.—The damage award for rate disputes, including any rate prescription, may not exceed \$25,000,000.

“(B) TIME LIMIT.—Any rate prescription shall be limited to not longer than 5 years from the date of the arbitral decision.

“(h) BOARD REVIEW.—If a party appeals a decision under this section to the Board, the Board may review the decision under this section to determine if—

“(1) the decision is consistent with sound principles of rail regulation economics;

“(2) a clear abuse of arbitral authority or discretion occurred;

“(3) the decision directly contravenes statutory authority; or

“(4) the award limitation under subsection (g) was violated.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 117 is amended by adding at the end the following:

“11708. Voluntary arbitration of certain rail rates and practice disputes.”.

### SEC. 14. EFFECT OF PROPOSALS FOR RATES FROM MULTIPLE ORIGINS AND DESTINATIONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall commence a study of rail transportation contract proposals containing multiple origin-to-destination movements.

(b) REPORT.—Not later than 1 year after commencing the study required under subsection (a), the Comptroller General shall submit a report containing the results of the study to—

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

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

#### SEC. 15. REPORTS.

(a) REPORT ON RATE CASE METHODOLOGY.—Not later than 1 year after the date of the enactment of this Act, the Surface Transportation Board shall submit a report to the congressional committees referred to in section 14(b) that—

(1) indicates whether current large rate case methodologies are sufficient, not unduly complex, and cost effective;

(2) indicates whether alternative methodologies exist, or could be developed, to streamline, expedite, and address the complexity of large rate cases; and

(3) only includes alternative methodologies, which exist or could be developed, that are consistent with sound economic principles.

(b) QUARTERLY REPORTS.—Beginning not later than 60 days after the date of the enactment of this Act, the Surface Transportation Board shall submit quarterly reports to the congressional committees referred to in section 14(b) 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.

#### SEC. 16. CRITERIA.

Section 10704(a)(2) is amended by inserting "for the infrastructure and investment needed to meet the present and future demand for rail services and" after "management,".

#### SEC. 17. CONSTRUCTION.

Nothing in this Act may be construed to affect any suit commenced by or against the Surface Transportation Board, or any proceeding or challenge pending before the Surface Transportation Board, before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 808.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DENHAM), the chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

Mr. DENHAM. Mr. Speaker, I thank the chairman for giving me time to speak on the Surface Transportation Board Reauthorization Act of 2015.

This is an important piece of legislation that will reform the STB to work more efficiently to better regulate the railroads. This year is the 35th anniversary of the passage of the Staggers Rail Act of 1980, which saved the railroad industry from bankruptcy.

Earlier this year, my subcommittee held a hearing on the successes of the railroad deregulation. We heard how railroads were freed to act more like

true businesses by charging market-driven rates and being able to right-size their operations along rail lines, which made economic sense.

This deregulation effort culminated in the creation of the STB in the Interstate Commerce Commission Termination Act of 1995. The STB is a small but significant agency that conducts the economic regulation of the railroads and has not been reauthorized since its creation.

□ 1500

The bill we consider today would streamline and simplify regulatory activities, a hallmark of this Congress.

While the STB has successfully overseen a stronger railroad industry, this bill will help the rail industry better serve its customers:

First, it streamlines dispute resolution procedures and sets hard deadlines for completion of rate cases to reduce litigation costs;

Second, it provides greater transparency into complaints received by the STB and requires enhanced reporting by the agency;

Third, it rejects Big Government regulatory action that has been proposed in the past. Instead, it makes necessary reforms to the agency to improve its processes and procedures;

Finally, the bill has broad support from shipper groups across the country, including the National Grain and Feed Association, the American Chemistry Council, The Fertilizer Institute, and the American Farm Bureau Federation.

I am pleased to stand here today and support the STB Reauthorization Act. It is only fitting that we are considering this bill just over 35 years since Congress passed the Staggers Rail Act, which allowed the railroads to thrive. I believe this bill will continue to make the STB and the rail industry better for the Nation's rail shippers, and I urge my colleagues to support this critical legislation.

Mr. CAPUANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am getting sick and tired of agreeing with my colleagues. This is the way transportation issues are supposed to be: bipartisan, thoughtful, and relatively easy to pass.

Mr. Speaker, I rise to support S. 808, which reauthorizes the STB, as you have already heard. This Board has not been reauthorized since it was created by the Interstate Commerce Commission Termination Act of 1995. That is ridiculous. It is about time we do it, and I am happy that I am here today to participate in that.

For those who don't know, the Surface Transportation Board is currently a three-member, bipartisan agency within the Department of Transportation. They have regulatory jurisdiction over the rates freight railroads charge their customers, mergers between railroad companies, new rail line construction, abandonment and conversion of existing rail lines, and other such matters.

Though an agency very few Americans know about, the STB has a profound impact on the availability and cost of goods across our Nation. This bill makes a number of commonsense reforms to the Board.

It establishes the STB as an independent entity, rather than as part of the Department of Transportation, and expands Board membership from three to five. I know that sounds like a small matter, but by doing so, it allows members to actually talk to each other without breaking certain laws of members being unable to talk for obvious open government purposes.

The bill requires the STB to streamline their processes for certain rate cases; sets rate review timelines for full, standalone cost rate challenges; and requires the STB to initiate a proceeding to develop other methods to expedite rate cases.

For the first time, the STB will be able to initiate their own investigations on different allegations. Right now, current law requires someone to bring a complaint before they can initiate a review. This is a major improvement.

The bill requires the STB to establish a voluntary and binding arbitration process to resolve rail rate and service complaints, and it requires the STB to evaluate whether current large rate case methodologies are sufficient, cost-effective, and are not unduly complex.

S. 808 is an important step forward on an important, if not widely known, issue. I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank Mr. CAPUANO, Mr. DENHAM, Mr. DEFazio, and, of course, our colleagues in the Senate for bringing this bill forward.

I think Mr. CAPUANO said it accurately: Transportation and infrastructure bills should come to the floor in a bipartisan way, figuring these things out, because this is good for America. It has nothing to do with Republicans or Democrats. It has to do with what is good for the American people, what is good for the American economy.

The Surface Transportation Board is the Federal economic regulator of the Nation's freight system, and that has been a real success story. Since the Staggers Rail Act was passed, I believe, as the gentleman from Massachusetts mentioned, in 1980, our freight rail system is the envy of the world. It is strong. It is vibrant. It does a great job. But I know the STB reauthorization and making some of these significant changes is going to be beneficial to everybody.

I think the gentleman from California ticked off a list of different outside groups or stakeholders and people that utilize rail that are in favor of this. Again, they sat down and worked it out. This will allow the STB to run

more efficiently and, ultimately, again, as I said, improve the Nation's economy.

I am not going to go through all the description—Mr. CAPUANO did a great job of that—of the changes that it makes and the authorities it gives them. It is going to streamline this and get these rate cases to the STB faster and get us through that process quicker. That is extremely important. So I believe this legislation is a crucial step for the railroad industry, the folks that use it on a day-to-day basis, and the American economy.

As mentioned, the Senate passed this bill with broad support, and I am pleased that we are moving this forward today.

Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO), my friend, the ranking member of the Transportation and Infrastructure Committee.

Mr. DEFAZIO. Mr. Speaker, I thank the ranking member of the subcommittee for yielding. He has already explained in detail what is important about this legislation: the first reauthorization since the creation of the agency, the streamlining of rate dispute processes, the potential of arbitration in the future, and enlarging the Board so they can be more facile in terms of making decisions without violating public meetings laws. All those things are very important. I am just going to add a little bit of what this means to me kind of stuff for anybody who might be interested.

When I was a relatively junior Member of Congress—I think I am probably the only Member of Congress who has testified twice before the Surface Transportation Board—we had a huge crisis in the West—I think it was after the UP-SP merger—where my Christmas tree growers couldn't get railcars. So I famously made the "How the Grinch Stole Christmas" presentation to the Surface Transportation Board. We did, not too long thereafter, get some railcars delivered and got those trees to families all across the Western United States. That was important to an important little industry that we have in Oregon.

More importantly, I went to the Surface Transportation Board again. We had something called RailAmerica, which was an accumulation of many, many short line railroads across the country. It was bought by and being managed by one of those wonderful Wall Street hedge funds, who were driving both our rail line and other rail lines into the ground. They didn't have the slightest bit of interest in being in the rail business. They were just trying to drain what money they could out of those railroads.

One bright, sunny day, they decided to abandon the Coos Bay Railroad. It runs from the Willamette Valley all the way down to Coos Bay, Oregon, and

back up to Coquille. It covers about 150 miles. It was the only rail to the coast and to a major port in Oregon, the Port of Coos Bay, North Bend.

They managed to get their equipment back, but they stranded railcars full of lumber and other goods by saying: "Sorry, it is done. We are done." They didn't notify anybody. No proper procedures were filed. "We are abandoning the line, and we are going to rip it up, and we are going to sell the rails to the Chinese for scrap."

Well, that didn't come to pass. I got together with the then-Governor and we brought some legal clout to the table. We partnered with the Port of Coos Bay, North Bend, and said what if we can get Federal and State money and buy this railroad? The hedge fund said they weren't interested. They thought they could make more money by ripping it up, selling the right-of-way, and selling the scrap steel to China.

So I went to the Surface Transportation Board. The Surface Transportation Board made the hedge fund sell the railroad as a railroad. As decrepit as it was, it was an incredibly critical piece of infrastructure.

I took one of those horrible earmarks that we don't do around here anymore that I had gotten to improve the rail bridge over the harbor and got that converted in a technical correction to money to help purchase the railroad from this rotten hedge fund. The State partnered. The port became the operator.

Last year, the Coos Bay Rail Link got the Short Line Operator of the Year award. It is providing a tremendous economic benefit and future for the south coast of my district. And absent the regulators—we all want to carry on about how bad regulators are, but when you have abusers out there like hedge funds that buy up critical infrastructure and couldn't give a damn about them—we need people like the Surface Transportation Board to preserve critical assets for our communities.

So I am thrilled to be here today to reauthorize, for the first time, the Surface Transportation Board, streamline them, and enhance their capabilities so that in the future, other aggrieved communities or business sectors can go to the STB and get a quick judgment when they need and deserve it.

Mr. CAPUANO. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include in the RECORD a list of over 160 organizations that support S. 808. They are users of the railroad system, from agriculture interests to chemical, auto, pipe manufacturers, and energy companies.

Agribusiness Association of Iowa, Agribusiness Council of Indiana, Agricultural Retailers Association, Agriculture Transportation Coalition, Alabama Crop Management Association, Alliance for Rail Competition, Alliance of Automobile Manufacturers,

American Chemistry Council, American Farm Bureau Federation, American Forest & Paper Association, American Fuel & Petrochemical Manufacturers, American Fuel & Petrochemical Manufacturers Association, American Iron and Steel Institute, American Malting Barley Association, Inc., American Public Power Association, American Soybean Association, Auto Care Association, Chemical Industry Council of Delaware, Chemical Industry Council of Illinois, Chemistry Council of Missouri.

Chemistry Council of New Jersey, Colorado Association of Wheat Growers, Connecticut Business & Industry Association, Corn Refiners Association, Edison Electric Institute, Florida Fertilizer & Agricultural Association, Foundry Association of Michigan, Freight Rail Customer Alliance, Georgia Agribusiness Council, Georgia Chemistry Council, Glass Packaging Institute, Grain and Feed Association of Illinois, Green Coffee Association, Grocery Manufacturers Association, Growth Energy, Idaho Barley Commission, Idaho Grain Producers Association.

Idaho Wheat Commission, Illinois Fertilizer & Chemical Association, Indiana Corn Growers Association, Indiana Farm Bureau, Indiana Soybean Alliance, Institute of Makers of Explosives, Institute of Scrap Recycling Industries, Inc., Institute of Shortening and Edible Oils, International Liquid Terminals Association, International Warehouse Logistics Association, Kansas Grain and Feed Association, Louisiana Chemical Association, Manufacture Alabama, Manufacturers Association of Florida, Massachusetts Chemistry & Technology Alliance, Michigan Agri-Business Association, Michigan Bean Shippers, Michigan Chemistry Council.

Midwest Food Processors Association, Minnesota AgriGrowth Council, Minnesota Crop Production Retailers, Minnesota Grain and Feed Association, Mississippi Manufacturers Association, Missouri Agribusiness Association, Missouri Forest Products Association, Montana Agricultural Business Association, Montana Farmers Union, Montana Grain Elevators Association, Motorcycle Industry Council, National Association of Chemical Distributors, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Barley Growers Association, National Corn Growers Association, National Cotton Council of America, National Council of Farmer Cooperatives, National Farmers Union.

National Grain and Feed Association, National Industrial Transportation League, National Oilseed Processors Association, National Onion Association, National Pasta Association, National Retail Federation, National Rural Electric Cooperative Association, National Shippers Strategic Transportation Council, National Sunflower Association, Nebraska Agri-Business Association, Inc., Nebraska Grain and Feed Association, Nebraska Soybean Association, Nebraska Wheat Board, Nebraska Wheat Growers Association, New York State Agribusiness Association, New York State Chemistry Council, North American Millers' Association, North Carolina Manufacturers Alliance.

North Dakota Grain Dealers Association, Northeast Agribusiness and Feed Alliance, Ohio Agribusiness Association, Ohio Chemistry Technology Council, Oklahoma Agribusiness Retailers Association, Oklahoma Grain and Feed Association, Oregon Wheat Growers League, Outdoor Power Equipment Association, Inc., Pennsylvania Chemical Industry Council, Plastic Pipe and Fittings Association, Plastics Pipe and Fittings Association, Portland Cement Association, Promotional Products Association International, PVC Pipe Association, Rail Customer Coalition, Renewable Fuels Association, Rocky Mountain Agribusiness Association.

Society of Chemical Manufacturers and Affiliates, South Carolina Fertilizer and Agrichemicals Association, South Carolina Manufacturers Alliance, South Dakota Farmers Union, South Dakota Grain & Feed Association, South Dakota Wheat Inc., SPI: The Plastics Industry Trade Association, Steel Manufacturers Association, Texas Ag Industries Association, Texas Chemical Council, Texas Grain & Feed Association, Texas Wheat Producers Association, The Chlorine Institute, The Fertilizer Institute, The National Industrial Transportation League, The Sulphur Institute, The Vinyl Institute.

United States Fashion Industry Association, US Canola Association, US Dry Bean Council, US Dry Pea & Lentil Council, USA Rice Federation, Vinyl Building Council, Vinyl Siding Institute, Inc., Washington Association of Wheat Growers, Washington Grain Commission, West Virginia Manufacturers Association, Western Fuels Association, Western Governors' Association, Western Plant Health Association, Wisconsin Agri-Business Association, Wisconsin Corn Growers Association, Wisconsin Electric Cooperative Association, Wyoming Ag Business Association, Wyoming Wheat Marketing Commission.

Mr. SHUSTER. Again, I would just urge all my colleagues to support this important reauthorization and reform to the Surface Transportation Board.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, S. 808.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2250. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2016, and for other purposes.

COAST GUARD AUTHORIZATION ACT OF 2015

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4188) to authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 4188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2015".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

- Sec. 101. Authorizations.
Sec. 102. Conforming amendments.
TITLE II—COAST GUARD
Sec. 201. Vice Commandant.
Sec. 202. Vice admirals.
Sec. 203. Coast Guard remission of indebtedness.
Sec. 204. Acquisition reform.
Sec. 205. Auxiliary jurisdiction.
Sec. 206. Coast Guard communities.
Sec. 207. Polar icebreakers.
Sec. 208. Air facility closures.
Sec. 209. Technical corrections to title 14, United States Code.
Sec. 210. Discontinuance of an aid to navigation.
Sec. 211. Mission performance measures.
Sec. 212. Communications.
Sec. 213. Coast Guard graduate maritime operations education.
Sec. 214. Professional development.
Sec. 215. Senior enlisted member continuation boards.
Sec. 216. Coast Guard member pay.
Sec. 217. Transfer of funds necessary to provide medical care.
Sec. 218. Participation of the Coast Guard Academy in Federal, State, or other educational research grants.
Sec. 219. National Coast Guard Museum.
Sec. 220. Investigations.
Sec. 221. Clarification of eligibility of members of the Coast Guard for combat-related special compensation.
Sec. 222. Leave policies for the Coast Guard.

TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Survival craft.
Sec. 302. Vessel replacement.
Sec. 303. Model years for recreational vessels.
Sec. 304. Merchant mariner credential expiration harmonization.
Sec. 305. Safety zones for permitted marine events.
Sec. 306. Technical corrections.
Sec. 307. Recommendations for improvements of marine casualty reporting.
Sec. 308. Recreational vessel engine weights.
Sec. 309. Merchant mariner medical certification reform.
Sec. 310. Atlantic Coast port access route study.
Sec. 311. Certificates of documentation for recreational vessels.
Sec. 312. Program guidelines.
Sec. 313. Repeals.
Sec. 314. Maritime drug law enforcement.
Sec. 315. Examinations for merchant mariner credentials.
Sec. 316. Higher volume port area regulatory definition change.
Sec. 317. Recognition of port security assessments conducted by other entities.
Sec. 318. Fishing vessel and fish tender vessel certification.
Sec. 319. Interagency Coordinating Committee on Oil Pollution Research.
Sec. 320. International port and facility inspection coordination.

TITLE IV—FEDERAL MARITIME COMMISSION

- Sec. 401. Authorization of appropriations.
Sec. 402. Duties of the Chairman.
Sec. 403. Prohibition on awards.

TITLE V—CONVEYANCES

Subtitle A—Miscellaneous Conveyances

- Sec. 501. Conveyance of Coast Guard property in Point Reyes Station, California.

- Sec. 502. Conveyance of Coast Guard property in Tok, Alaska.
Subtitle B—Pribilof Islands
Sec. 521. Short title.
Sec. 522. Transfer and disposition of property.
Sec. 523. Notice of certification.
Sec. 524. Redundant capability.
Subtitle C—Conveyance of Coast Guard Property at Point Spencer, Alaska
Sec. 531. Findings.
Sec. 532. Definitions.
Sec. 533. Authority to convey land in Point Spencer.
Sec. 534. Environmental compliance, liability, and monitoring.
Sec. 535. Easements and access.
Sec. 536. Relationship to Public Land Order 2650.
Sec. 537. Archeological and cultural resources.
Sec. 538. Maps and legal descriptions.
Sec. 539. Chargeability for land conveyed.
Sec. 540. Redundant capability.
Sec. 541. Port Coordination Council for Point Spencer.

TITLE VI—MISCELLANEOUS

- Sec. 601. Modification of reports.
Sec. 602. Safe vessel operation in the Great Lakes.
Sec. 603. Use of vessel sale proceeds.
Sec. 604. National Academy of Sciences cost assessment.
Sec. 605. Penalty wages.
Sec. 606. Recourse for noncitizens.
Sec. 607. Coastwise endorsements.
Sec. 608. International Ice Patrol.
Sec. 609. Assessment of oil spill response and cleanup activities in the Great Lakes.
Sec. 610. Report on status of technology detecting passengers who have fallen overboard.
Sec. 611. Venue.
Sec. 612. Disposition of infrastructure related to E-LORAN.
Sec. 613. Parking.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

(a) IN GENERAL.—Title 14, United States Code, is amended by adding at the end the following:

“PART III—COAST GUARD AUTHORIZATIONS AND REPORTS TO CONGRESS

“Chap.
“27. Authorizations ..... 2701
“29. Reports ..... 2901

“CHAPTER 27—AUTHORIZATIONS

- “Sec.
“2702. Authorization of appropriations.
“2704. Authorized levels of military strength and training.

“§ 2702. Authorization of appropriations

“Funds are authorized to be appropriated for each of fiscal years 2016 and 2017 for necessary expenses of the Coast Guard as follows:

“(1) For the operation and maintenance of the Coast Guard, not otherwise provided for—

- “(A) \$6,981,036,000 for fiscal year 2016; and
“(B) \$6,981,036,000 for fiscal year 2017.

“(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

- “(A) \$1,945,000,000 for fiscal year 2016; and
“(B) \$1,945,000,000 for fiscal year 2017.

“(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services—