

Hove, Jr., seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution re: Disclosure and Reporting of Community Reinvestment Act-Related Agreements: Joint Final Rule.

The Board further determined, by the same majority vote, that no notice of the change in the subject matter of the meeting prior to December 20, 2000, was practicable.

Dated: December 21, 2000.

Federal Deposit Insurance Corporation.

**James D. LaPierre,**

*Deputy Executive Secretary.*

[FR Doc. 00-33024 Filed 12-21-00; 4:38 pm]

**BILLING CODE 6714-01-M**

## FEDERAL HOUSING FINANCE BOARD

[No. 2000-N-9]

### Notice of Receipt of Petition for Case-by-Case Determination

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Federal Housing Finance Board (Finance Board) has received a Petition from the Federal Home Loan Bank (Bank) of Dallas for Finance Board approval of an application for membership in the Dallas Bank by Washington Mutual Bank, FA (WMBFA), currently a member of the San Francisco Bank, upon completion of the merger of Bank United into WMBFA, under section 4(b) of the Federal Home Loan Bank Act (Bank Act) and § 925.18(a)(2) of the Finance Board's membership regulations. The effect of such an approval would be to allow WMBFA to be a member of both the San Francisco and the Dallas Banks.

**ADDRESSES:** Send Requests to Intervene to: Elaine L. Baker, Secretary to the Board, at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Copies of non-confidential portions of the Petition and of non-confidential portions of Requests to Intervene will be available for inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** James L. Bothwell, Managing Director and Chief Economist, (202) 408-2821; Scott L. Smith, Acting Director, Office of

Policy, Research and Analysis, (202) 408-2991; Deborah F. Silberman, General Counsel, (202) 408-2570. Staff also can be reached by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

**SUPPLEMENTARY INFORMATION:** Section 907.8(a) of the Finance Board's regulations provides that a Bank may file a Petition for Case-by-Case Determination with the Finance Board concerning any matter that may require a determination, finding or approval under the Bank Act or Finance Board regulations by the Board of Directors, and for which no controlling statutory, regulatory or other Finance Board standard previously has been established. See 12 CFR 907.8(a). Section 907.12(a) of the Finance Board's regulations requires the Finance Board to promptly publish a notice of receipt of a Petition for Case-by-Case Determination, including a brief summary of the issue(s) involved, in the **Federal Register**. *Id.* § 907.12(a).

The Dallas Bank has filed a Petition for Case-by-Case Determination, dated December 8, 2000, and received by the Finance Board on December 11, 2000 (Petition), requesting that the Finance Board approve the membership of WMBFA in the Dallas Bank upon completion of the merger of Bank United into WMBFA, under section 4(b) of the Bank Act and § 925.18(a)(2) of the Finance Board's regulations, thereby allowing WMBFA to be a member of both the San Francisco and Dallas Banks. See 12 U.S.C. 1424(b); 12 CFR 925.18(a)(2). The Finance Board is hereby providing notice of receipt of such Petition, pursuant to 12 CFR 907.12(a).

WMBFA, a member of the San Francisco Bank, is awaiting approval from its primary bank regulators of its proposed acquisition of Bank United, a Dallas Bank member, which would be merged into WMBFA and its charter cancelled. Upon consummation of the merger, WMBFA would seek to retain its current membership in the San Francisco Bank and to gain membership in the Dallas Bank, as if it had maintained the Bank United charter. To that end, on November 24, 2000, WMBFA submitted a membership application to the Dallas Bank. According to the Petition, on November 29, 2000, the Dallas Bank found that WMBFA satisfied the eligibility requirements for membership set forth in section 4 of the Bank Act and part 925 of the Finance Board's regulations, see 12 U.S.C. 1424, 12 CFR part 925, and approved WMBFA's membership in

the Dallas Bank contingent upon approval by the Finance Board of WMFBA's membership in the Dallas Bank under section 4(b) of the Bank Act and § 925.18(a)(2) of the Finance Board's regulations. 12 U.S.C. 1424(b); 12 CFR 925.18(a)(2).

Section 4(b) of the Bank Act states that:

An institution eligible to become a member under this section may become a member only of, or secure advances from, the [Bank] of the district in which is located the institution's principal place of business, or of the [B]ank of a district adjoining such district, if demanded by convenience and then only with the approval of the [Finance] Board.

12 U.S.C. 1424(b); see 12 CFR 925.18(a)(2).

The Petition supplies a legal opinion that the above-referenced statutory and implementing regulatory language may be interpreted to allow a Bank to be a member of both the Bank in the district where its principal place of business is located, and the Bank in the district adjoining such district and, therefore, that WMBFA may be a member simultaneously of the San Francisco and Dallas Banks.<sup>1</sup> The Petition further argues that, as a factual matter, WMBFA's membership in the Dallas Bank meets the "demanded by convenience" standard set forth in section 4(b) of the Bank Act and § 925.18(a)(2) of the Finance Board's regulations. Accordingly, the Petition requests Finance Board approval of WMBFA's membership in the Dallas Bank under section 4(b) and § 925.18(a)(2), thereby allowing WMBFA to be a member of both the San Francisco and Dallas Banks.

The Petition raises numerous fundamental legal, political and policy issues of first impression that are critical to the structure and function of the Bank System, such as the continued consolidation of the financial institutions industry and the effect of that consolidation on the economics, regional structure and cooperative nature of the Bank System, and the impact of all of those changes on the Banks as they implement a new capital structure.

Pursuant to the Finance Board's procedures under 12 CFR part 907, any member, Bank, or the Office of Finance may file a Request to Intervene in the consideration of the Petition in accordance with 12 CFR 907.11 if it believes its rights may be affected by the issues raised by the Petition. Any Request to Intervene must be in writing and must be filed with the Secretary to

<sup>1</sup> The San Francisco and Dallas Bank districts are adjoining districts.

the Finance Board within 45 days from the date the Petition was filed. Requests to Intervene may include a Request to Appear before the Board of Directors in any meeting conducted under the Finance Board's procedures to consider the Petition.

Dated: December 20, 2000.

**William C. Apgar,**

*HUD Secretary's Designee to the Finance Board*

[FR Doc. 00-32916 Filed 12-26-00; 8:45 am]

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## FEDERAL MEDIATION AND CONCILIATION SERVICE

### Labor-Management Cooperation Program Application Solicitation for Labor-Management Committees FY2001

#### A. Introduction

The following is the final solicitation for the Fiscal Year (FY) 2001 cycle of the Labor-Management Cooperation Program as it pertains to the support of labor-management committees. These guidelines represent the continuing efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was initially implemented in FY81. The Act authorizes FMCS to provide assistance in the establishment and operation of company/plant, area, public sector, and industry-wide labor-management committees which:

- (A) Have been organized jointly by employers and labor organizations representing employees in that company/plant, area, government agency, or industry; and
- (B) Are established for the purpose of improving labor-management relationships, job security, and organizational effectiveness; enhancing economic development; or involving workers in decisions affecting their jobs, including improving communication with respect to subjects of mutual interest and concern.

The Program Description and other sections that follow, as well as a separately published FMCS Financial and Administrative Grants Manual, make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a company/plant, area-wide, industry, or public sector labor-management committee. Directions for obtaining an application kit may be found in Section H. A copy of the Labor-

Management Cooperation Act of 1978, included in the application kit, should be reviewed in conjunction with this solicitation.

#### B. Program Description

##### *Objectives*

The Labor-Management Cooperation Act of 1978 identifies the following seven general areas for which financial assistance would be appropriate:

- (1) To improve communication between representatives of labor and management;
- (2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;
- (3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;
- (4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the company/plant, area, or industry;
- (5) To enhance the involvement of workers in making decisions that affect their working lives;
- (6) To expand and improve working relationships between workers and managers; and
- (7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance in the formation and operation of labor-management committees.

The primary objective of this program is to encourage and support the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria. The term "labor" refers to employees represented by a labor organization and covered by a formal collective bargaining agreement. These committees may be found at either the plant (company), area, industry, or public sector levels. A plant or company committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon a particular city, county, contiguous multicounty, or statewide jurisdiction. An industry committee generally consists of a collection of agencies or enterprises and related labor union(s) producing a common product or service in the private sector on a local, state, regional,

or nationwide level. A public sector committee consists either of government employees and managers in one or more units of a local or state government, managers and employees of public institutions of higher education, or of employees and managers of public elementary and secondary schools. Those employees must be covered by a formal collective bargaining agreement or other enforceable labor-management agreement. In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

In FY 2001, competition will be open to company/plant, area, private industry, and public sector committees. Public Sector committees will be divided into two sub-categories for scoring purposes. One sub-category will consist of committees representing state/local units of government and public institutions of higher education. The second sub-category will consist of public elementary and secondary schools.

Special consideration will be given to committee applications involving innovative or unique efforts. All application budget requests should focus directly on supporting the committee. Applicants should avoid seeking funds for activities that are clearly available under other Federal programs (e.g., job training, mediation of contract disputes, etc.).

##### *Required Program Elements*

1. *Problem Statement*—The application should have numbered pages and discuss in detail what specific problem(s) face the company/plant, area, government, or industry and its workforce that will be addressed by the committee. Applicants must document the problem(s) using as much relevant data as possible and discuss the full range of impacts these problem(s) could have or are having on the company/plant, government, area, or industry. An industrial or economic profile of the area and workforce prove useful in explaining the problem(s). This section basically discusses *why* the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail *what* the labor-management committee will accomplish during the life of the grant. Applications that promise to provide objectives *after* a grant is awarded will receive little or no credit in this area. While a goal of "improving communication between employers and employees" may suffice as one over-all goal of a project, the objectives must,