

procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

#### *§ 2471.7 Preliminary hearing procedures*

When the Board determines that a hearing is necessary under § 2471.6, it will:

- (a) Appoint one or more of its designees to conduct such hearing; and
- (b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state:
  - (1) The names of the parties to the dispute;
  - (2) the date, time, place, type, and purpose of the hearing;
  - (3) the date, time, place, and purpose of the prehearing conference, if any;
  - (4) the name of the designated representatives appointed by the Board;
  - (5) the issues to be resolved; and
  - (6) the method, if any, by which the hearing shall be recorded.

#### *§ 2471.8 Conduct of hearing and prehearing conference*

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

- (1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpoenas;
- (2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;
- (3) Rule on motions and requests for appearance of witnesses and the production of records;
- (4) Designate the date on which posthearing briefs, if any, shall be submitted;
- (5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

- (1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;
- (2) Explore the possibilities of obtaining stipulations of fact;
- (3) Clarify the positions of the parties with respect to the issues to be heard; and
- (4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

#### *§ 2471.9 Report and recommendations*

(a) When a report is issued after a hearing conducted pursuant to § 2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

#### *§ 2471.10 Duties of each party following receipt of recommendations*

(a) Within thirty (30) calendar days after receipt of a report containing recommenda-

tions of the Board or its designated representative, each party shall, after conferring with the other, either:

- (1) Accept the recommendations and so notify the Executive Director; or
- (2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or
- (3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

#### *§ 2471.11 Final action by the board*

(a) If the parties do not arrive at a settlement as a result of or during actions taken under § 2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in § 2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

#### *§ 2471.12 Inconsistent labor agreement provisions*

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5086. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 15 [Docket No. 960830238-6238-01; I.D. 082096B], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Natural Resources.

5087. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Corn Cyst Nematode [APHIS Docket No. 96-001-2] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5088. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Serv-

ice's final rule—Importation of Fruits and Vegetables [APHIS Docket No. 95-068-2] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5089. A letter from the Director, Test, Systems Engineering & Evaluation, Department of Defense, transmitting a letter notifying Congress of the intent to obligate funds for fiscal year 1997 Foreign Comparative Testing [FCT] Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

5090. A letter from the Secretary of the Air Force, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on National Security.

5091. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

5092. A letter from the Director, Office of the Secretary of Defense, transmitting the Office's final rule—Provision of Early Intervention and Special Education Services to Eligible DoD Dependents in Overseas Areas [DoD Instruction 1342.12] received September 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5093. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington; Revision to the State Implementation Plan Vehicle Inspection and Maintenance Program [FRL-5608-7] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5094. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—South Dakota; Final Determination of Adequacy of State's Municipal Solid Waste Permit Program over Non-Indian Lands for the Former Lands of the Yankton Sioux, Lake Traverse (Sisseton-Wahpeton) and Parts of the Rosebud Indian Reservation [FRL-5550-7] received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5095. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Colombia for defense articles and services (Transmittal No. 96-71), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5096. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96-76), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5097. A letter from the Commander, Air Force Services Agency, transmitting the annual report for the Air Force nonappropriated fund retirement plan for the plan year ending September 30, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

5098. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 1998, pursuant to 45 U.S.C. 231f; to the Committee on Government Reform and Oversight.

5099. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and

Atmospheric Administration, transmitting the Service's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures from the Oregon-California Border to Humboldt South Jetty, CA, and from the U.S.-Canadian Border to Leadbetter Point, WA [Docket No. 960126016-6121-04; I.D. 090396B] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5100. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Using Nonpelagic Trawl Gear in the Bering Sea and Aleutian Island Area [Docket No. 960129019-6019-01; I.D. 090696F] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5101. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area H [Docket No. 960502124-6190-02; I.D. 082796E] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5102. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Alaska Regulatory Program [AK-004-FOR; Alaska Amendment IV] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5103. A letter from the Assistant Secretary of the Army (Civil works), Department of the Army, transmitting a report recommending authorization of a deep-draft navigation project at Port Fourchon, Lafourche Parish, LA; to the Committee on Transportation and Infrastructure.

5104. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Removal of 28 CFR Part 25—Recommendations to the President on Civil Aeronautics Board Decisions [AG Order No. 2002-95] (RIN: 1105-AA41) received September 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5105. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Revenue Ruling 96-22) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5106. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Combination of Combined Taxable Income Under the Profit Split Method When the Possession Product is a Component Product or an End-Product Form for Purposes of the Possessions Credit Under Section 936 (RIN: 1545-AR18) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5107. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Excise Taxes on Excess Benefit Transactions Engaged in by Certain Tax-Exempt Organizations (Notice 96-46) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5108. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Private Inurement Expressly Prohibited for Section 501(c)(4) Organizations (Notice 96-47) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5109. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Tax-Exempt Organization Information Returns—Requirement to Provide Copies to the Public and Increases in Certain Penalties (Notice 96-48) received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5110. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act to conform the statute of limitations with respect to the creditability of compensation under that act to the statute of limitations with respect to the payment of taxes under the Railroad Retirement Tax Act and for other purposes; to the Committee on Ways and Means.

5111. A letter from the Chair of the Board, Office of Compliance, transmitting notice of issuance of final regulations for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104-1, section 304(d)(1) (109 Stat. 30); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MYERS: Committee of conference. Conference report on H.R. 3816. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104-782). Ordered to be printed.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3876. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000; and for other purposes; with an amendment (Rept. 104-783). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 3460. A bill to establish the Patent and Trademark Office as a Government corporation, and for other purposes; with an amendment (Rept. 104-784). Referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2740. Referral to the Committee on Commerce extended for a period ending not later than September 20, 1996.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY (for himself, Mr. DOOLITTLE, Mr. HERGER, Mr. MOORHEAD, Mr. RIGGS, Mr. BONO, Mr. PACKARD, Mr. McKEON, Mrs. SEASTRAND, Mr. HUNTER, Mr. BAKER of California, Mr. CALVERT, and Mr. DREIER):

H.R. 4062. A bill to authorize appropriations to reimburse States for costs of educating certain illegal alien students; to the Committee on Economic and Educational Opportunities.

By Mr. LAZIO of New York (for himself and Mr. BAKER of California):

H.R. 4063. A bill to provide for adjustments to the conforming loan limits for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation and to the maximum mortgage limit for the single family mortgage insurance program of the Department of Housing and Urban Development that more accurately reflect the changes in housing costs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. KLINK (for himself and Mr. DOYLE):

H.R. 4064. A bill to amend the Department of Housing and Urban Development Act to provide for the Secretary of Housing and Urban Development to notify and consult with the unit of general local government within which an assisted multifamily housing project is to be located before providing any low-income housing assistance for the project; to the Committee on Banking and Financial Services.

By Mr. GEPHARDT (for himself, Ms. PELOSI, Mr. BONIOR, Mr. BROWN of Ohio, Mr. PALLONE, Mr. LIPINSKI, Mr. STARK, Mr. MILLER of California, Mr. DEFAZIO, Ms. KAPTUR, Mr. LANTOS, Mr. SPRATT, Mr. PAYNE of New Jersey, Mr. MARKEY, and Mr. LEWIS of Georgia):

H.R. 4065. A bill to require prior congressional approval before the President supports the admission of the People's Republic of China into the World Trade Organization, and to provide for the withdrawal of the United States from the World Trade Organization if China is accepted into the WTO without the support of the United States; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER of California:

H.R. 4066. A bill to direct the Secretary of the Navy to transfer the U.S.S. *Missouri* (BB-63) to the U.S.S. *Missouri* Allied Forces Memorial, San Francisco, CA; to the Committee on National Security.

By Mr. GALLEGLY (for himself, Mr. YOUNG of Alaska, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, and Mr. KILDEE):

H.R. 4067. A bill to provide for representation of the Northern Mariana Islands by a nonvoting Delegate in the House of Representatives; to the Committee on Resources.

By Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. SPENCE, Mr. EVANS, Mr. EVERETT, Mr. EDWARDS, Mr. BUYER, Mr. TEJEDA, and Mr. HEFLEY):

H.R. 4068. A bill to establish a demonstration project to provide that the Department of Veterans Affairs may receive Medicare reimbursement for health care services provided to certain Medicare-eligible veterans; to the Committee on Veterans' Affairs, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN:

H.R. 4069. A bill to amend the Social Security Act to establish the teaching hospital and graduate medical education trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.