§ 2471.4 Where to file.

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§ 2471.5 Copies and service.

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8 1/2″ x 11 inch size paper.

§ 2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however,* that when the request is made pursuant to an agreed-upon 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 subpenas;

(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 recommendations 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.

UNITED STATES/UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Madam President, I rise today to express my great frustration with the current state of aviation relations between the United States and the United Kingdom.

At a great cost to the United States economy, the highly restrictive United States/United Kingdom bilateral aviation agreement continues to be an enormous barrier to free and fair trade between our countries. It is a barrier British negotiators have carefully crafted over the years that, as intended, quite effectively limits competition in the United States/United Kingdom air service market. Simply

put, it is an agreement which artificially manages air service trade in a way that significantly benefits British carriers.

For U.S. passenger carriers serving the transatlantic air service market, these are both the best of times and the worst of times. On the bright side, the historic open skies agreement the United States recently signed with the Federal Republic of Germany, combined with existing open skies agreements with other European countries, means that nearly half of all passengers traveling between the United States and Europe will be flying to or from European countries with open skies regimes. That truly is a remarkable statistic and great news for consumers.

Our aviation relations with the British, however, stand in disturbingly stark contrast. Although the British Government extols the virtues of transatlantic free trade, its words ring hollow with respect to the United States/United Kingdom air service market. United States carriers have proven themselves to be highly competitive in every international market they serve yet, all United States passenger carriers combined have a smaller share of the United States/United Kingdom air service market than just one British carrier, British Airways. Overall, two British carriers currently control nearly 50 percent more of the passenger traffic in that market than United States carriers. As I have said before, I do not believe market forces are responsible for this imbalance.

What adverse impacts does the highly restrictive United States/United Kingdom bilateral aviation agreement have on the United States economy? First, each year our economy is losing hundreds of millions of dollars of export revenue United States carriers might otherwise capture if the United States/United Kingdom air service market truly was competitive. Second, it is costing Americans new jobs which otherwise might be created if United States carriers could expand their services to the United Kingdom. Finally, consumer choice is badly restricted and consumers are denied the most competitive air fares.

Several months ago I announced an initiative I hoped might jump start stalled air service negotiations with the British and remedy these adverse economic impacts. Regrettably, the British spurned that attempt and other good faith efforts by the administration to restart talks. For that reason, I have decided to delay indefinitely my plans to introduce legislation increasing the permissible level of foreign ownership in the voting stock of U.S. carriers to 49 percent. That legislation was the cornerstone of my initiative. If the British exhibit a genuine willingness to seriously address our air service concerns, I will reconsider my decision.

Quite frankly, I am frustrated with the British intransigence in addressing this serious trade issue. They have long blamed a lack of reciprocal investment opportunities in the voting stock of U.S. carriers as a stumbling block to progress in our air service relationship. Finding some merit in that concern, I offered to introduce legislation to address it and help clear the way for further liberalization of our aviation relationship. The British Government's reaction, however, calls into question whether reciprocal foreign investment opportunities ever were the concern the British have long played them up to be.

To underscore that skepticism, I noticed in recent months British carriers have now moved onto criticizing United States policy on the grounds of additional wish list rights such as cabotage and direct participation in the Fly America Program.

Madam President, it has become even more apparent in recent months that British aviation policy is not driven by the goal of expanding rights for its carriers and moving forward in our aviation relationship. Instead, the overarching goal of that policy seems to be nothing less than continuing to protect British carriers from vigorous competition with United States carriers.

In particular, the British Government wants to keep in place the current system which blocks United States carriers from serving London's most popular airport, Heathrow, from most major passenger feed hubs in the United States. After all, under the current managed competition agreement, the British have totally blocked United States passenger feed to Heathrow from major United States hub airports including those located in Atlanta, Cincinnati, Dallas, Denver, Detroit, Houston, Minneapolis, Newark and St. Louis. No wonder United States carriers do not use larger aircraft as the British often chide.

Mr. President, let me conclude by saying I hope the British Government will decide to get in step with the rest of Europe by finally agreeing to take meaningful steps to liberalize the United States/United Kingdom bilateral aviation agreement. The time for such liberalization is long past due.

Let me also add that I for one believe there will come a time when the British truly want some significant aviation rights or regulatory relief from the United States. When that time comes, I fully expect the administration will use that leverage to the fullest extent possible and demand a very high price.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal Government is running on borrowed money—more than $5 trillion of it. As of the close of business yesterday, May 14, 1996, the Federal debt stood at $5,096,217,391,261.73. On a per capita basis, every man, woman, and child in America owes $19,242.02 as his or her share of the Federal debt.

FOREIGN OIL CONSUMED BY THE UNITED STATES HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Madam President, the American Petroleum Institute reports that for the week ending May 10, the United States imported 8,623,000 barrels of foreign oil each day, 1,411,000 barrels more than the 7,212,000 barrels imported during the same week a year ago.

This means that Americans now rely on foreign oil for 57 percent of their needs, and there are no signs that this upward spiral will abate. Before the Persian gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody interested in restoring domestic production of oil? Politicians had better ponder the economic calamity certain to occur in America if and when foreign producers shut off our oil supply—or double the already enormous cost of imported oil flowing into the United States—now 8,623,000 barrels a day.

RICHARD M. SCRUSHY AND THE SPORTS MEDICINE COUNCIL

Mr. HEFLIN. Madam President, last week, one of Alabama's outstanding citizens and great success stories came to Washington in his effort to give something back to his country. Richard Scrushy is founder, chairman, and CEO of Healthsouth Corp., the Nation's largest provider of medical rehabilitation and sports medicine. He is also founder of the Healthsouth Sports Medicine Council, a nonprofit organization whose goal is to educate young athletes and help them become champions—not only in sports, but in everyday life.

The Sports Medicine Council is made up of top professional athletes and the Nation's leading sports medicine physicians and orthopaedic surgeons. The group unites sports celebrities who know the importance of good attitude, team spirit, and competitiveness, with physicians who have studied how the human body works, how to make it strong, and how to keep it well. Under Richard Scrushy's direction, this group has crafted a program and message that ultimately will reach hundreds of thousands of school children between the ages of 8 and 18 in cities across the United States. It will teach kids the importance of receiving an education, staying away from drugs, and practicing good sportsmanship on and off the field.

Last week in Washington, the Sports Medicine Council's message reached nearly 14,000 kids through a series of field trips to Sports Medicine Council shows. They were hosted by such sports figures as Bo Jackson, Herschel Walker, Kristi Yamaguchi, Cory Everson, and Lex Luger. The shows combined