

(b) *Form of Motion.* In addition to setting forth the legal and factual bases upon which the attorney's fees and/or costs are sought, a motion for an award of attorney's fees and/or costs shall be accompanied by:

(3) the attorney's customary billing rate for similar work with evidence that the rate is consistent with the prevailing community rate for similar services in the community in which the attorney ordinarily practices; [and]

(4) an itemization of costs related to the matter in question[.]; and

(5) evidence of an established attorney-client relationship.

**[§9.04] §9.02 Ex parte Communications.**

(a) *Definitions.*

(3) For purposes of section [9.04] 9.02, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, a pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA.

(b) *Prohibited Ex Parte Communications and Exceptions.*

(2) The Hearing Officer or the Office may initiate attempts to settle a matter informally at any time. The parties may agree to waive the prohibitions against *ex parte* communications during settlement discussions, and they may agree to any limits on the waiver.

—Renumber subsequent paragraphs in subsection—

**[§9.05] §9.03 Informal Resolutions and Settlement Agreements.**

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. The settlement is not effective until it has been approved by the Executive Director. If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.

(c) *Requirements for a Formal Settlement Agreement.* A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director for signature. A formal settlement agreement cannot be submitted to the Executive Director for signature until the appropriate revocation periods have expired. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) *Violation of a Formal Settlement Agreement.* If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. Parties are encouraged to include in their settlements specific dispute resolution procedures. If the [particular] formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation [of the agreement], the Office may provide assistance in resolving the dispute, including the services of a mediator as determined by the Executive Director. [The following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the

**Act:] Where the settlement agreement does not have a stipulated method for resolving violation allegations, [Any complaint] an allegation [regarding] of a violation [of a formal settlement agreement may] must be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such [complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these Rule.] allegations will be reviewed, investigated or mediated, as appropriate, by the Executive Director or designee.**

**[§9.06] §9.04 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act.**

Whenever a final decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment. No payment shall be made from such account until the time for appeal of a decision has expired.

**[§9.07] §9.05 Revocation, Amendment or Waiver of Rules.**

(a) The Executive Director, subject to the approval of the Board, may revoke or amend these rules by publishing proposed changes in the Congressional Record and providing for a comment period of not less than 30 days. Following the comment period, any changes to the rules are final once they are published in the Congressional Record.

(b) The Board or a Hearing Officer may waive a procedural rule contained in this Part in an individual case for good cause shown if application of the rule is not required by law.

**CLIFFORD P. HANSEN FEDERAL COURTHOUSE CONVEYANCE ACT**

**ALBUQUERQUE, NEW MEXICO, FEDERAL LAND CONVEYANCE ACT**

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 423, S. 1934, and Calendar No. 418, S. 898 en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 1934) to direct the Administrator of General Services to convey the Clifford P. Hansen Federal Courthouse back to Teton County, Wyoming, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 1934

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Clifford P. Hansen Federal Courthouse Conveyance Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(2) **COUNTY.**—The term “County” means Teton County, Wyoming.

(3) **COURTHOUSE.**—The term “Courthouse” means—

(A) the parcel of land located at 145 East Simpson Street, Jackson, Wyoming; and

(B) the building located on the land described in subparagraph (A), which is known as the “Clifford P. Hansen Federal Courthouse”.

**SEC. 3. CONVEYANCE OF FEDERAL COURTHOUSE TO TETON COUNTY, WYOMING.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Administrator shall offer to convey to the County all right, title, and interest of the United States in and to the Courthouse.

(b) **CONSIDERATION.**—In exchange for the conveyance of the Courthouse to the County under this Act, the Administrator shall require the County to pay to the Administrator—

(1) nominal consideration for the parcel of land described in section 2(3)(A); and

(2) subject to subsection (c), consideration in an amount equal to the fair market value of the building described in section 2(3)(B), as determined based on an appraisal of the building that is acceptable to the Administrator.

(c) **CREDITS.**—In lieu of all or a portion of the amount of consideration for the building described in section 2(3)(B), the Administrator may accept as consideration for the conveyance of the building under subsection (b)(2) any credits or waivers against lease payments, amounts expended by the County under facility maintenance agreements, or other charges for the continued occupancy or use by the Federal Government of the building.

(d) **RESTRICTIONS ON USE.**—The deed for the conveyance of the Courthouse to the County under this Act shall include a covenant that provides that the Courthouse will be used for public use purposes.

(e) **COSTS OF CONVEYANCE.**—The County shall be responsible for paying—

(1) the costs of an appraisal conducted under subsection (b)(2); and

(2) any other costs relating to the conveyance of the Courthouse under this Act.

(f) **PROCEEDS.**—

(1) **DEPOSIT.**—Any net proceeds received by the Administrator as a result of the conveyance under this Act, as applicable, shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) **EXPENDITURE.**—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Administrator may establish such additional terms and conditions with respect to the conveyance under this Act as the Administrator considers to be appropriate to protect the interests of the United States.

The Senate proceeded to consider the bill (S. 898) to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation.

Mr. BROWN. Madam President, I ask unanimous consent that the amendment to S. 1934 be agreed to, the bills, as amended if amended, be read a third time and passed en bloc, and that the title amendment to S. 1934 be agreed to, and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1934), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to, as follows:

Amend the title so as to read: "A bill to direct the Administrator of General Services to convey the Clifford P. Hansen Federal Courthouse to Teton County, Wyoming."

The bill (S. 898) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 898

*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 "Albuquerque, New Mexico, Federal Land Conveyance Act of 2013".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) FEDERAL LAND.—The term "Federal land" means the real property located in Albuquerque, New Mexico, that, as determined by the Administrator, subject to survey, generally consists of lots 12 through 19, and for the westerly boundary, the portion of either lot 19 or 20 which is the outside west wall of the basement level of the Old Post Office building, and which has a municipal address of 123 Fourth Street, SW, in Block 18, New Mexico Town Company's Original Townsite, Albuquerque, New Mexico.

(3) FOUNDATION.—The term "Foundation" means the Amy Biehl High School Foundation.

#### SEC. 3. CONVEYANCE OF REAL PROPERTY IN ALBUQUERQUE, NEW MEXICO, TO THE AMY BIEHL HIGH SCHOOL FOUNDATION.

(a) CONVEYANCE.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Administrator shall offer to convey to the Foundation, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(b) CONSIDERATION.—As consideration for conveyance of the Federal land under subsection (a), the Administrator shall require the Foundation to pay to the Administrator consideration in an amount equal to the fair market value of the Federal land, as determined based on an appraisal that is acceptable to the Administrator.

(c) COSTS OF CONVEYANCE.—The Foundation shall be responsible for paying—

(1) the costs of an appraisal conducted under subsection (b); and

(2) any other costs relating to the conveyance of the Federal land under this Act.

(d) PROCEEDS.—

(1) DEPOSIT.—Net proceeds received under subsection (b) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator, except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require that any conveyance under subsection (a) be subject to such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

(f) DEADLINE.—The conveyance of the Federal land under this Act shall occur not later than 3 years after the date of enactment of this Act.

#### EXPRESSING CONDOLENCES TO THE FAMILIES OF JAMES FOLEY AND STEVEN SOTLOFF

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 538, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 538) expressing the condolences of the Senate to the families of James Foley and Steven Sotloff, and condemning the terrorist acts of the Islamic State of Iraq and the Levant.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 538) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### RELATIVE TO THE DEATH OF JAMES M. JEFFORDS, FORMER UNITED STATES SENATOR FOR THE STATE OF VERMONT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 539, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 539) relative to the death of James M. Jeffords, former United States Senator for the State of Vermont.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR WEDNESDAY, SEPTEMBER 10, 2014

Mr. BROWN. Madam President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 10, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate resume consideration of the motion to proceed to S.J. Res. 19 postcloture; further, that at 2 p.m. all postcloture time be considered expired and the Senate proceed to vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BROWN. Madam President, we expect a voice vote on the motion to proceed to the constitutional amendment on campaign finance reform. Shortly after 2 p.m., we expect a roll-call vote relative to the paycheck fairness bill.

#### ORDER FOR ADJOURNMENT

Mr. BROWN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 539, as a further mark of respect to the memory of the late Senator James M. Jeffords, former United States Senator for the State of Vermont, following the remarks of Senator RUBIO. And a special mention: My chief of staff, Mark Powden, who used to be the chief of staff for Senator Jeffords, gave a eulogy at his funeral and had immense respect for the late Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

#### CONGRATULATING BOOKER T. WASHINGTON HIGH SCHOOL

Mr. RUBIO. Madam President, I appreciate the opportunity to speak for a few moments this evening before the Senate adjourns its workday.

I begin with a couple points of personal privilege. One is to congratulate a local high school in Miami, FL, by the name of Booker T. Washington. This is a school which has now won 29 consecutive games. They were the national champions last year in high school football, and I think they are headed to that again this year.

But what really impresses me about this program is the work they do with these young men. These young men come from a very challenging part of Miami, of Overtown, and have really overcome tremendous obstacles in their personal lives to achieve both in the classroom and on the field.

What I am most impressed about, as I tell Coach Harris every time I get to see him, is that it is not the kind of football players he has made them—because they are excellent—but the kind