

she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. **All motions for attorney's fees and costs shall be submitted to the Hearing Officer.** The Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. **Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer.** A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. **If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.**

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

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§9.05 Informal Resolutions and Settlement Agreements

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(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. **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. **A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as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. **If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may 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 rules.**

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 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.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§9.07 Revocation, Amendment or Waiver of Rules.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8521. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products [Docket No. 1997N-0484S] (RIN: 0910-AB27) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8522. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Olestra [Docket No. 1999F-0719] received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8523. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Extension of Comment Period [Docket No. 2002N-0278] received June 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8524. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Reclassification of Root-Form Endosseous Dental Implants and Endosseous Dental Implant Abutments [Docket No. 2002N-0114] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8525. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of the Immunomagnetic Circulating Cancer Cell Selection and Enumeration System [Docket No. 2004P-0126] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8526. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services, transmitting the Department's final rule — Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Technical Amendment [Docket No. 2002N-0276] (RIN: 0910-AC40) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8527. A letter from the Director, Regulations Policy and Management Sta., FDA, Department of Health and Human Services,

transmitting the Department's final rule — Revision of the Requirements for Spore-Forming Microorganisms; Confirmation of Effective Date [Docket No. 2003N-0528] received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8528. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Administrative Detention of Food for Human or Animal Consumption Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0275] (RIN: 0910-AC38) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8529. A letter from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Confidential Business Information [Docket No. NHTSA-02-12150; Notice 3] (RIN: 2127-AJ24) received April 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8530. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-04-17917] (RIN: 2127-AJ36) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8531. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard [Docket No. NHTSA-2002-12231] (RIN: 2127-A146) received June 3, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8532. A letter from the Federal Register Liaison Officer, TTB, Department of the Treasury, transmitting the Department's final rule — Columbia Gorge Viticultural Area (2002R-03P) [T.D. TTB-11; Re: Notice No. 11] (RIN: 1513-AC81) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8533. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-36) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8534. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Losses. (Rev. Rul. 2004-58) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8535. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Business expenses. (Rev. Rul. 2004-62) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8536. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Wages (Rev. Rul. 2004-60) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8537. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2004-61) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8538. A letter from the Acting Chief, Publications and Regulations, Internal Revenue

Service, transmitting the Service's final rule — Statements to recipients of royalties. (Rev. Rul. 2004-46) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8539. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-54) received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8540. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Foreign Sales Corporations: Advance Payment Transactions — received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8541. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Uniform Capitalization of Interest Expense in Safe Harbor Sale and Leaseback Transactions [REG-148399-02] (RIN: 1545-BB62) received May 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8542. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs: Fraud and Abuse: OIG Civil Money Penalties Under the Medicare Prescription Drug Discount Card Program (RIN: 0991-AB30) received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8543. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104-1, section 303(a) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

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. ROGERS of Kentucky: Committee on Appropriations. H.R. 4567. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-541). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 4568. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-542). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation on the Budget Allocations for Fiscal Year 2005 (Rept. 108-543). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 674. Resolution Providing for consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108-544). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 675.

Resolution providing for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. (Rept. 108-545). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURNS (for himself, Mr. SCOTT of Georgia, Mr. THOMAS, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. NORWOOD, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. ISAKSON, Mr. MARSHALL, Mr. DOOLITTLE, Mr. ISSA, Mr. NUNES, Mr. GALLEGLY, Mr. FARR, Ms. WOOLSEY, Mr. GARY G. MILLER of California, Mr. OSE, Mr. THOMPSON of California, and Mrs. CAPPS):

H.R. 4569. A bill to provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen *Phytophthora ramorum*, and for other purposes; to the Committee on Agriculture.

By Mr. PUTNAM (for himself and Mr. TOM DAVIS of Virginia):

H.R. 4570. A bill to amend provisions of law originally enacted in the Clinger-Cohen Act to enhance agency planning for information security needs; to the Committee on Government Reform.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. FORBES, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. CHABOT, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. DELAY, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. KELLER, Mr. CARTER, Mr. PEARCE, Mr. CALVERT, and Mr. GOODLATTE):

H.R. 4571. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi:

H.R. 4572. A bill to condition United States military cooperation with the government of Bulgaria within the territory of Bulgaria on the certification by the Secretary of Defense that United States citizens and corporations are afforded full due process of law in Bulgaria and that certain United States legal decisions against Bulgarian nationals have been satisfied; to the Committee on Armed Services.

By Mr. BEREUTER (for himself, Mr. BOEHLERT, Mr. LAHOOD, Ms. ESHOO, and Mr. HOLT):

H.R. 4573. A bill to amend the National Security Act of 1947 to provide for enhanced language education and training for members of the intelligence community, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. BEREUTER (for himself, Mr. BOEHLERT, Mr. LAHOOD, Ms. ESHOO, and Mr. HOLT):

H.R. 4574. A bill to amend title VIII of the Intelligence Authorization Act for Fiscal Year 1992, as amended, to revise the funding mechanism for scholarships, fellowships, and grants to institutions under the National Security Education Program, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and Education and the Workforce, 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 Ms. DELAURO (for herself, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr.

M McNULTY, Mr. WAXMAN, Ms. SOLIS, Mr. MCDERMOTT, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. OWENS, Ms. NORTON, Mr. TOWNS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. KUCINICH, Mr. GRIJALVA, Mr. DELAHUNT, Mr. SERRANO, Mr. LANTOS, Mr. WYNN, Mr. OBERSTAR, Mr. GUTIERREZ, Mr. BACA, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. WATERS, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. EVANS, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mrs. MALONEY, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. EMANUEL, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, Mr. STARK, Ms. WOOLSEY, and Mr. LARSON of Connecticut):

H.R. 4575. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, 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. GOODLATTE (for himself, Mr. STENHOLM, Mr. NEUGEBAUER, Mr. BONILLA, Mr. BOEHNER, Mr. SMITH of Michigan, Mrs. MUSGRAVE, Mr. HAYES, Mr. DOOLEY of California, Mr. ORTIZ, Mr. KENNEDY of Minnesota, Mr. PETERSON of Pennsylvania, Mr. FARR, Mr. CHOCOLA, Mr. BERRY, and Mr. ACEVEDO-VILA):

H.R. 4576. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. GRIJALVA:

H.R. 4577. A bill to allow binding arbitration clauses to be included in all contracts affecting the land within the Gila River Indian Community Reservation; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Ms. PRYCE of Ohio, Mr. BROWN of Ohio, Mr. GREENWOOD, Mr. RAMSTAD, Mr. BURR, Ms. ESHOO, Mrs. BONO, Mr. MCINNIS, Mr. SHAYS, Mr. NORWOOD, Mr. CAMP, Ms. DUNN, and Mr. WAXMAN):

H.R. 4578. A bill to reauthorize the Children's Hospitals Graduate Medical Education Program; to the Committee on Energy and Commerce.

By Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, and Mr. BLUNT):

H.R. 4579. A bill to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Resources.

By Mr. MCKEON:

H.R. 4580. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Resources.

By Mr. NUNES (for himself, Mr. RADANOVICH, and Mr. DOOLEY of California):

H.R. 4581. A bill to provide for the conveyance of the former Department of Agriculture Agricultural Research Service laboratory in Fresno, California, to the City of Fresno; to the Committee on Government Reform.