

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

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

(2) The Hearing Officer or the Office may initiate attempts to settle a matter 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—

§ 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 should not 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 A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as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. Settlements should include 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 at the discretion of 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 be filed with the Executive Director, but 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 Hear-

ing 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 by the Executive Director or designee, as appropriate.

§ 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, unless a settlement has been reached in the absence of a decision to be appealed.

§ 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.

ORDERS FOR WEDNESDAY,
NOVEMBER 16, 2016

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m., Wednesday, November 16; 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; finally, that following leader remarks, the Senate resume consideration of the motion to proceed to Calendar No. 543, S. 3110.

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

ADJOURNMENT UNTIL 2:30 P.M.
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, November 16, 2016, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RAINEY RANSOM BRANDT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, VICE LEE F. SATTERFIELD, RETIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES DE-

PARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

DAVID CHARLES MILLER, OF WASHINGTON
SCOTT S. SINDELAR, OF MINNESOTA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

ALEXANDER DICKIE IV, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS A FOREIGN SERVICE OFFICER, A CONSULAR OFFICER, AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARVA MICHELLE BUTLER, OF TEXAS
ADONIS MARIANO MATOS DE MELLO, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JEANNE F. BAILEY, OF ILLINOIS
CLAY M. HAMILTON, OF TEXAS
BOBBY GENE RICHEY, JR., OF TEXAS
ERIC A. WENBERG, OF WYOMING

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ALI ABDI, OF VIRGINIA
MICHAEL LEO CONLON, OF VIRGINIA
PAUL ALLEN SPENCER-MACGREGOR, OF VIRGINIA
W. GARTH THORBURN II, OF FLORIDA
ROBERT HENRY HANSON, OF WISCONSIN

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JIM NELSON BARNHART, JR., OF GEORGIA
ANDREW M. HERSCOWITZ, OF CALIFORNIA
TERESA L. MCGHIE, OF NEVADA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

HAVEN G. CRUZ-HUBBARD, OF MARYLAND
TIMOTHY J. DONNAY, OF VERMONT
JOSEPH L. DORSEY, OF VIRGINIA
PETER WILLIAM DUFFY, OF NEW HAMPSHIRE
JOHN L. DUNLOP, OF VIRGINIA
MICHAEL JAMES EDDY, OF MISSOURI
GABRIEL F. GRAU, OF FLORIDA
ALGER GRUBBS, OF INDIANA
ANDREW DAVID HOLLAND, OF CALIFORNIA
KAREN R. HUNTER, OF FLORIDA
JENNIFER MARIE LINK, OF ILLINOIS
SANDRA K. MINKEL, OF NEVADA
DIANE B. MOORE, OF NEW YORK
THOMAS R. MORRIS, OF VIRGINIA
MARGARET ELIZABETH ENIS SPEARS, OF MARYLAND
TANYA S. URQUIETA, OF SOUTH DAKOTA
ANNE N. WILLIAMS, OF MARYLAND

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JOEL E. DEGROOT
COL. CHRISTOPHER M. FAUX
COL. ROBERT J. GREGORY III
COL. HENRY U. HARDER, JR.
COL. ERIC W. LIND
COL. DAVID D. ZWART

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. DAVID P. BACZEWSKI
BRIG. GEN. TIMOTHY J. CATHCART
BRIG. GEN. BRIAN T. DRAVIS
BRIG. GEN. JAMES O. EIFERT
BRIG. GEN. RICHARD W. KELLY
BRIG. GEN. CHRISTOPHER J. KNAPP
BRIG. GEN. JON K. MOTT
BRIG. GEN. CLAYTON W. MOUSHON
BRIG. GEN. KERRY L. MUEHLENBECK
BRIG. GEN. HOWARD P. PURCELL
BRIG. GEN. DAVID P. SAN CLEMENTE
BRIG. GEN. MICHAEL R. TAHERI
BRIG. GEN. ROGER E. WILLIAMS, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. JESSE T. SIMMONS, JR.