

which shall be included in the instrument of ratification:

(1) Meaning of the phrase “identified in.”

It is the understanding of the United States that the phrase “identified in” in the Treaty shall be interpreted as meaning “identified pursuant to.”

(2) Cooperative programs with exempt and non-exempt defense articles.

It is the understanding of the United States that if a cooperative program is mutually determined, consistent with Section 2(2)(e) of the Implementing Arrangement, to be within the Scope of the Treaty pursuant to Article 3(1)(b) of the Treaty despite involving Defense Articles that are exempt from the Scope of the Treaty pursuant to Article 3(2) of the Treaty, the exempt Defense Articles shall remain exempt from the Scope of the Treaty and the Treaty shall apply only to non-exempt Defense Articles required for the program.

(3) Investigations and reports of alleged violations.

It is the understanding of the United States that the words “as appropriate” in Section 10(3)(f) of the Implementing Arrangement do not detract in any way from the obligation in Article 13(3) of the Treaty, that “Each Party shall promptly investigate all suspected violations and reports of alleged violations of the procedures established pursuant to this Treaty, and shall promptly inform the other Party of the results of such investigations.”

(4) Exempt defense articles. It is the understanding of the United States that if one Party to the Treaty exempts a type of Defense Articles from the scope of the Treaty pursuant to Article 3(2) of the Treaty, then Defense Articles of that type will be treated as exempt by both Parties to the Treaty.

(5) Intermediate consignees. It is the understanding of the United States that any intermediate consignee of an Export from the United States under the Treaty must be a member of the Approved Community or otherwise approved by the United States Government.

(6) Scope of treaty exemption. The United States interprets the Treaty not to exempt any person or entity from any United States statutory and regulatory requirements, including any requirements of licensing or authorization, other than those included in the International Traffic in Arms Regulations, as modified or amended. Accordingly, the United States interprets the term “license or other written authorization” in Article 2 and the term “licenses or other authorizations” in Article 6(1), as these terms apply to the United States, and the term “prior written authorization by the United States Government” in Article 7, to refer only to such licenses, licensing requirements, and other authorizations as are required or issued by the United States pursuant to the International Traffic in Arms Regulations, as modified or amended; and the United States interprets the reference to “the applicable licensing requirements and the implementing regulations of the United States Arms Export Control Act” in Article 13(1) to refer only to the applicable licensing requirements under the International Traffic in Arms Regulations, as modified or amended.

Section 4. Declarations.

The Senate’s advice and consent to the ratification of the Treaty with Australia Concerning Defense Trade Cooperation is subject to the following declarations:

(1) Self-execution. This Treaty is not self-executing in the United States, notwithstanding the statement in the preamble to the contrary.

(2) Private rights. This Treaty does not confer private rights enforceable in United States courts.

(3) Intellectual property rights. No liability will be incurred by or attributed to the United States Government in connection with any possible infringement of privately owned patent or proprietary rights, either domestic or foreign, by reason of the United States Government’s permitting Exports or Transfers or its approval of Re-exports or Re-transfers under the Treaty.

Section 5. Definitions.

As used in this resolution:

(1) The terms “Treaty with Australia Concerning Defense Trade Cooperation” and “Treaty” mean the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007.

(2) The terms “Implementing Arrangement Pursuant to the Treaty” and “Implementing Arrangement Pursuant to the Treaty between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, which was signed in Washington on March 14, 2008.

(3) The terms “Defense Articles,” “Export,” “Re-export,” “Re-transfer,” “Transfer,” “Approved Community,” “United States Community,” “Austrian Community,” and “Scope” have the meanings given to them in Article 1 of the Treaty.

(4) The terms “Management Board” and “Management Plan” have the meanings given to them in Section 1 of the Implementing Arrangement.

(5) The terms “person” and “foreign person” have the meaning given to them by section 38(g)(9) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)). The term “U.S. person” has the meaning given to it by part 120.15 of title 22, Code of Federal Regulations.

NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged en bloc from the following nominations: PN2091, Nancy Lindborg; PN2098, Donald Kenneth Steinberg; and PN2128, Cameron Munter; that the Senate then proceed en bloc to their consideration; the nominations be confirmed en bloc; the motions to reconsider be considered made and laid on the table en bloc; that any statements related to the nominations be printed in the RECORD; the President of the United States be immediately notified of the Senate’s action.

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

The nominations considered and confirmed en bloc are as follows:

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, vice Michael E. Hess, resigned.

Donald Kenneth Steinberg, of California, to be Deputy Administrator of the United States Agency for International Development, vice Frederick W. Schieck, resigned.

DEPARTMENT OF STATE

Cameron Munter, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged en bloc of the following nominations: PN1991, PN1988, PN1992, PN1952, PN1994, PN1989, PN1995, and PN2129.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations are discharged en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to their consideration; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, that any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate’s action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Mark M. Boulware, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Kristie Anne Kenney, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

Christopher J. McMullen, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons.

Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Jo Ellen Powell, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Karen Brevard Stewart, of Florida, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People’s Democratic Republic.

Pamela Ann White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Mr. REID. Mr. President, I now ask unanimous consent that the Agriculture Committee be discharged en bloc of the following nominations for membership on the Board of Directors of the Commodity Credit Corporation, and that the Senate then proceed en bloc to their consideration: PN832, PN833, PN834, and PN836; that the nominations be confirmed en bloc, the motions to reconsider be considered

made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Kevin W. Concannon, of Maine, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Kathleen A. Merrigan, of Massachusetts, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James W. Miller, of Virginia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Dallas P. Tonsager, of South Dakota, to be a Member of the Board of Directors of the Commodity Credit Corporation.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration en bloc of Calendar Nos. 1102, 1103, 1104, 1105, 1106, and 1107; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table en bloc, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1172, the nomination of Maria Raffinan, to be an associate judge of the DC Superior Court; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD, and the President of the United States be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

THE JUDICIARY

Maria Elizabeth Raffinan, of the District of Columbia, to be an Associate Judge of the

Superior Court of the District of Columbia for the term of fifteen years.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1140 to and including 1170 and 1171, and all nominations on the Secretary's Desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order, that any statements relating thereto be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Alfred J. Stewart

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Christopher J. Bence

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James M. Kowalski

The following named officer for appointment as Vice Chief of Staff, United States Air Force, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8034 and 601:

To be general

Lt. Gen. Philip M. Breedlove

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William L. Shelton

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard Y. Newton III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Herbert J. Carlisle

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stanley T. Kresge

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position

of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Susan J. Helms

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Darrell D. Jones

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Larry D. James

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Arthur W. Hinaman

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Curtis M. Scaparrotti

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Phillip M. Churn, Sr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel J. Dire

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Ronald E. Dzedzicki

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Johnson

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Joseph A. Brendler

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated in the United States Army under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Dana M. Capozzella

Col. Stephen L. Danner

The following Army National Guard of the United States officer for appointment in the