United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, MAY 9, 2011 No. 62

# House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 10, 2011, at 12 noon.

# Senate

MONDAY, MAY 9, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful God, take possession of our hearts so that we will do Your will. Use us for Your glory as beacons of light and inspiration in our Nation and world. We desire for Your name to receive the honor it is due. So show us Your ways and teach us Your path. Lord, be gracious to the Members of this body, showering them liberally with Your wisdom. Let Your love fill and rule their lives, preparing them for that bliss You will give to those who love You.

We pray in Your great name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 9, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following the ceremony that will take place very shortly, and following any leader remarks, the Senate will be in morning business until 4:30 p.m. At that time there will be 1 hour of debate on the nomination of James Cole to be Deputy Attorney General. At approximately 5:30, there will be a cloture vote on the Cole nomination.

Last week, we were able to enter into a consent agreement on the nomination of Edward Chen. We expect to vote on this nomination sometime this week.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Senator John Ensign of Nevada. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEVADA
Executive Department
CERTIFICATE OF APPOINTMENT

*To the President of the Senate of the United States:*

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Nevada, I, Brian Sandoval, the governor of said State, do hereby appoint Dean Heller a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of John Ensign, is filled by election as provided by law.

Witness: His excellency our governor Brian Sandoval, and our seal hereto affixed at Carson City, Nevada, this third day of May, in the year of our Lord 2011.

By the governor:

BRIAN SANDOVAL,
*Governor.*
ROSS MILLER,
*Secretary of State.*

[State Seal Affixed]

## ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

The Senator-designate, DEAN HELLER, escorted by Mr. REID, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

The VICE PRESIDENT. Congratulations.

Mr. HELLER. Thank you very much. (Applause, Senators rising.)

Mr. UDALL of New Mexico. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MEASURE PLACED ON THE CALENDAR—H.R. 3

Mr. REID. Mr. President, I am told that H.R. 3 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 3) to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

Mr. REID. Mr. President, I would now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

## SCHEDULE

Mr. REID. Mr. President, every time we have a peaceful transfer of power at any level of our government, it speaks to the strength of our democracy. Today is no different.

Today, Nevada welcomes our newly appointed Senator, DEAN HELLER—until a few minutes ago, Congressman HELLER—to this side of the Capitol. Nevada is still reeling, more than most, from the Wall Street recession that crashed our housing and jobs markets. I look forward to working with our new junior Senator to make the tough choices that will help our State and our citizens recover.

The Senate will soon confront one of those tough choices. We will continue our conversation about how to save taxpayer money and lower our Nation's deficit and debt. We have to recognize that we cannot do either so long as we keep giving away money to oil companies that clearly do not need taxpayer handouts. As gas prices and oil company profits keep rising, each Senator will soon have the opportunity to stand with the millionaires or with the middle class.

Also, today the Senate will vote on whether to advance the nomination of the Attorney General's top deputy, Jim Cole. The Deputy Attorney General runs the day-to-day operations at the Department of Justice. He also supervises the National Security Division and makes critical decisions each day that affect the safety of our great Nation. For instance, Jim Cole is one of the only people at the Department of Justice who can sign the critical warrants that permit our intelligence officials to conduct surveillance on suspected terrorists.

In the last week, our country has been reminded of the incredibly important role our intelligence community plays. It is unthinkable that partisanship and legislative ploys are keeping a public servant as well qualified as Jim Cole out of this important national security role. I hope the Senate will confirm him quickly this evening.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## WELCOMING SENATOR HELLER

Mr. MCCONNELL. Mr. President, first, we just swore in our new colleague, DEAN HELLER. The majority leader is giving a reception for him this afternoon. We hope many Members will take the opportunity to go by and welcome him to the Senate.

## GAS PRICES

Mr. MCCONNELL. Mr. President, I am going to devote my leader time this afternoon to an issue which may not be on the Democrats' legislative agenda this week but which is certainly on the minds of most Americans every day. I am referring, of course, to the high cost of gasoline. All across the country, people are suffering from the runup in gas prices we have seen over the past few months. It is squeezing family budgets, tightening margins at already struggling small businesses, and it poses a mortal threat to any economic rebound.

This is a critical issue. Americans are looking for answers. Yet all they are getting from the President and the Democratic leaders in Congress are gimmicks and deflection. We have seen this before. Every time gas prices go up, Democrats claim there is nothing they can do about it. Then they propose something completely counterproductive just to quiet their critics. This time, it is a tax increase. That is the Democratic response to high gas prices—a tax hike.

Well, the first thing to say about this proposal is that it will not do a thing to lower gas prices—not a thing. In fact, raising taxes on American energy production will increase the price of gas. Oh, and it would also make us even more dependent on foreign sources of oil. Now, that is not my view. That is the view of the independent Congressional Research Service, which concluded in March that the Democrats' proposed tax increase on energy production would ''make oil and natural gas more expensive for U.S. consumers and likely increase foreign dependence.'' It sounds like a brilliant strategy to me.

Beyond raising taxes, Democrats insist there is nothing they can do about gas prices, but I think most Americans feel differently. I think most Americans believe it is time to stop talking about what we cannot do and start talking about what we can do. If the President and Democrats in Congress are truly serious about lowering gas prices and making us less dependent on foreign sources of oil, here are a few suggestions.

First, if ever there was a moment to develop our resources here at home, it is now. For decades, Democrats have resisted efforts to tap our American resources. Then when gas prices go up, they tell us how many years it would take to get the product to market. It is time to take this excuse off the table by breaking the cycle.

Second, Democrats need to allow energy companies to cut through the bureaucratic redtape that prevents companies that are authorized to explore here from getting to work and putting thousands of Americans back to work.

Third, they need to stop penalizing America's producers with new fees and threats of tax hikes, which only drive energy companies overseas and help our foreign competitors and create jobs in places such as Venezuela. And they need to call an end to the anti-energy crusade of the EPA.

In short, Democrats need to throw away the old playbook—throw that one away—and face this crisis with a new kind of creativity, independence, and common sense that the American people are demanding.

Democrats need to stop deflecting attention from their own complicity in our Nation's overdependence on foreign oil. They need to stop paying lipservice to the need for American exploration while quietly supporting efforts to suppress it. They need to end an approach that has not changed, frankly, since the days of Jim Carter. Just like Carter before them, today's Democrats are using the crisis of the moment as an excuse to push their own vision of the future with a ''windfall profits tax'' on energy companies. And just like Carter before them, they have rightly been accused of bringing a BB gun to the war.

This is a serious crisis. It is time for serious solutions—solutions that create jobs instead of moving them overseas, solutions that decrease our dependence on foreign sources of oil rather than increase it, solutions that offer relief rather than mere rhetoric.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for debate only until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona.

WELCOMING SENATOR HELLER

Mr. KYL. Mr. President, I note that Vice President BIDEN was just here in the Chamber for the swearing-in of our newest Senator, DEAN HELLER from Nevada. I add my congratulations to now-Senator HELLER joining this body.

REDUCING THE DEBT

Mr. KYL. Vice President BIDEN has been kind enough to host discussions—starting last week and going into this week and perhaps beyond—with Members of the Senate and the House of Representatives to try to find a way to reduce the huge debt that hangs over the United States, as a prelude, I am sure he would put it, to the Congress acting on the President's request that Congress increase the debt ceiling.

There have been generally two ways suggested on how to deal with our debt. Many Democrats believe the wealthy in the United States do not pay enough taxes, and therefore one way to reduce the debt is for taxes to be increased, especially on the wealthy. Most Republicans believe that is a bad idea, that since debt is our problem and we got into debt because we have been spending too much, the better way for us to deal with the problem is to begin reducing our spending and to make sure over the years we are able to do that.

There are a couple of interesting things that have just come out in the news recently that I think bear on this argument.

A lot of folks wonder about the debt burden in the United States, and I think it is useful to point out the fact that last week the Wall Street Journal reported that the Joint Committee on Taxation found that "the percentage of U.S. households paying no federal income tax . . . reached 51% for [the year] 2009." I think that is the first time in the history of America that over half of Americans didn't pay Federal income taxes. I do not think that is a good thing. While certainly people in the lower income brackets are not able to pay very much in the way of taxes, I think even a very small amount, an affordable amount, would be appropriate so everybody has what they call skin in the game, so everybody understands the relationship between the burdens and the benefits of government. I would not impose a significant tax on the lower half or certainly not the lower 10 percent, but I think it is important for all Americans to know we all have a stake in this, and that more than half of the people cannot just expect the so-called wealthy to bear all of the burdens of government.

But the question remains, are American wealthy taxpayers undertaxed? I think a useful measure to look at here is a comparison with other countries, for example. The OECD countries—which stands for Organisation for Economic Co-operation and Development—are generally regarded as the most advanced economies in the world, and the United States is one of those countries.

A study that is based on 2008 statistics found that the highest earning 10 percent of the U.S. population paid the largest share among 24 countries examined, even after adjusting for their relatively higher incomes, and it concluded:

> "Taxation is most progressively distributed in the United States," the OECD concluded.

The bottom line here is that for a country to be competitive, the people who provide the capital for job creation, for economic growth, have to have some capital remaining after they have earned it in order to invest that capital, return it to their businesses, hire more people, be more productive, create more wealth, and thereby provide for the families of the people who own the businesses and, by earning more income, increase the amount the Federal Government and the State government take in as revenues.

Republicans are very happy to concede it would be helpful if the government has more revenues in order to help close this debt gap we have. The question is how we get more revenues. We believe more revenues are a function of a growing economy. Here too some statistics that just came out over the weekend, I believe it was, demonstrated that we can actually delay the increase in the debt ceiling by some period of time because revenues to the Federal Treasury have been a little higher than previously expected. Why? Because the economy grew more than expected, and as people made more money, they therefore paid more in withholding and in Federal income taxes. That is the way for the government to get more revenue—for the economy to do better, for Americans to do better.

So if you tax more the people who are the ones likely to do the investing into businesses, will you get more investment? Will you get more Federal revenue? Well, you will get a little bit more to begin with, but in the long run, you will get less. One of the reasons it is not a good idea to tax more the very people whom we are referring to in this study is because half of all the small business income reported is reported as part of the highest income tax bracket for individuals. In other words, small businesses do not pay as corporations, they pay as individuals, and when a small businessman has to report his earnings, he reports all of the income from his enterprise. A lot of that is business expense, but that is how he has to report it. So you are talking here about half of all that income reported being taxed at a higher rate, if, in fact, the President and some of his colleagues have their way. That will reduce the amount of investment and growth in the economy and thereby make it harder for us to pay off this large debt.

The advocates of a gigantic tax increase are really very shortsighted, therefore, in assuming that if they raise tax rates, they are going to get more revenues. That is what they tried to do in Japan during the late 1990s. It did not work out. Japan went back into a deep recession, and it is not going to be possible for them to generate existing revenue with their higher tax rates.

The way you get robust growth is not with higher tax rates but with lower tax rates. A rapidly expanding economy does create new jobs and income for investment and wealth-creating enterprises, and obviously some of that wealth flows back to the government and can be used to reduce the debt.

But the policy tools we decide upon in these negotiations will have a lot to say about how we are able to reduce the debt and whether part of that will be a result of economic growth in the future. Obviously, the point here is not just to have economic growth so the Federal Government can earn more in income tax revenue but to promote American prosperity and a better future for our families.

So the question is, Will we impose tax hikes that discourage investment and punish job creation or will we make the tax system more efficient and conducive to growth?

I wish to cite a couple of studies to show why it is most important for us to focus on reducing spending rather than raising tax rates, because spending cuts, not tax hikes, are the best way to close the massive budget gap and help to produce economic growth in our country.

One study was performed by two Harvard economists, Alberto Alesina and Silvia Ardagna. By studying large-scale fiscal adjustments by wealthy developed countries from 1990 to 2007, they determined that "spending cuts are much more effective than tax increases in stabilizing the debt and avoiding economic downturns." Moreover, they found "several episodes in which spending cuts adopted to reduce deficits have been associated with economic expansions rather than recessions."

Two economists at Goldman Sachs, Ben Broadbent and Kevin Daly, undertook a similar study and reviewed every major fiscal correction in wealthy nations since 1975. They found:

> Decisive budgetary adjustments that have focused on reducing government expenditures have (i) been successful in correcting fiscal imbalances; (ii) typically boosted growth; and (iii) resulted in significant bond and equity market outperformance. Tax-driven fiscal adjustments, by contrast, typically fail to correct fiscal imbalances and are damaging for growth.

So reducing spending was the way not only to reduce the debt of the

country, but it also boosted growth; whereas, tax-driven adjustments had exactly the opposite effect and failed to correct fiscal imbalances and were damaging for growth.

A final study—and I think this is interesting because it focuses on what we think are big-spending countries. It is by the same two economists, Broadbent and Daly. They pointed specifically to Ireland, Sweden, and Canada. They pointed out cases driven by cuts in public spending. Sweden, in particular, which is famous for being a generous welfare state, was able to trim the size of government substantially—all of which suggests to me that if Stockholm can do it, Washington ought to be able to do it today.

Reducing the short-term deficit and stabilizing the long-term debt are critically important to American prosperity and living standards, and if you do it by reducing spending rather than increasing tax rates, you can also have the additional benefit of increasing prosperity not just for businesses and families but for the U.S. Government, which would then make more in terms of income tax revenues.

The bottom line here is when we work to forge this bipartisan compromise that everybody is looking to us to reach, we should bear these basics principles in mind: Cutting spending, not raising taxes, is the answer.

I ask unanimous consent to have two documents printed in the RECORD. The first one was published in the National Review Online, dated May 9, called ''The Future of American Prosperity,'' which I authored. The second is a publication which was in weeklystandard.com on May 16, by Frederick Kagan and Kimberly Kagan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review Online, May 9, 2011]

THE FUTURE OF AMERICAN PROSPERITY

(By Senator Jon Kyl)

SPENDING CUTS, NOT TAX INCREASES, ARE THE SOLUTION TO OUR DEBT CRISIS

Members of both parties agree that Washington's present fiscal course is dangerously unsustainable. We're now borrowing 40 cents for every dollar we spend. This profligacy continues to weaken the dollar, threatening its status as the global reserve currency and fostering anxiety in the bond markets. Last month, Standard & Poor's delivered a sobering wake-up call when it revised its outlook on the U.S. long-term credit rating from ''stable'' to ''negative.''

No question, our accounts must be brought into balance—but not at the expense of economic growth. Those who advocate gigantic tax increases are short-sighted. Amid a sluggish recovery, abrupt tax hikes could drive the economy back into recession. (That's what happened in Japan during the late 1990s.) Moreover, it will be impossible to generate sufficient revenue without robust growth. A rapidly expanding economy creates new jobs and income for investment in wealth-creating enterprises. Some of that wealth flows back to the government and can be used to reduce the debt.

The policy tools we use to restore fiscal stability will go a long way toward shaping the future of American prosperity and promoting the economic expansion we need. Will we impose tax hikes that discourage investment and punish job creation? Or will we make the tax system more efficient and conducive to growth?

As these and other questions are debated, policymakers should consult the evidence from other industrialized countries, which overwhelmingly suggests that spending cuts, not tax hikes, are the best way to close massive budget gaps and help produce economic growth. Indeed, after studying large-scale fiscal adjustments by wealthy, developed countries between 1970 and 2007, Harvard economists Alberto Alesina and Silvia Ardagna determined that ''spending cuts are much more effective than tax increases in stabilizing the debt and avoiding economic downturns.'' Moreover, they found ''several episodes in which spending cuts adopted to reduce deficits have been associated with economic expansions rather than recessions.''

Goldman Sachs economists Ben Broadbent and Kevin Daly recently undertook a similar study that reviewed every major fiscal correction in wealthy nations since 1975. They found that ''decisive budgetary adjustments that have focused on reducing government expenditures have (i) been successful in correcting fiscal imbalances; (ii) typically boosted growth; and (iii) resulted in significant bond and equity market outperformance. Tax-driven fiscal adjustments, by contrast, typically fail to correct fiscal imbalances and are damaging for growth.''

Broadbent and Daly pointed to successful fiscal adjustments in Ireland (1987–89), Sweden (1994–98), and Canada (1994–97). In each case, the adjustment was driven primarily by cuts in public spending. Sweden in particular is famous for the generosity of its welfare state. Yet, when faced with a crisis, Swedish officials were able to trim the size of government substantially. If Stockholm could do it back in the mid-1990s, Washington can do it today.

Reducing the short-term deficit and stabilizing the long-term debt are critically important to American prosperity and living standards. But studies show that if fiscal consolidation relies heavily on tax increases, it will stifle economic growth and prove counterproductive.

This is the lesson we must apply as we try to forge a genuine bipartisan compromise to deal with our debt crisis.

---

[From WeeklyStandard.com, May 16, 2011]

BIN LADEN IS DEAD . . .

BUT AL QAEDA ISN'T—WE SHOULD BUILD ON OUR SUCCESS IN ABBOTTABAD BY REDOUBLING OUR EFFORTS TO DEFEAT HIS MOVEMENT

(By Frederick W. Kagan and Kimberly Kagan)

Osama bin Laden's killing was a great moment for America and for decent people around the world. But allowing the euphoria of that moment to drive us to irresponsible decisions in South Asia would be devastating to America's interests and security. Al Qaeda has not yet been dismantled or defeated.

Osama bin Laden's death has no implications for the number of American or international forces in Afghanistan, for their mission, or for the timeline for their reduction. George W. Bush sent forces into Afghanistan not to kill bin Laden, but to oust al Qaeda from its safe haven there, defeat that organization, and create political conditions that would preclude its return to Afghanistan. Barack Obama reaffirmed that mission in his December 2009 speech setting out the current strategy. He chose a counter-insurgency approach because a return of the Taliban regime to Afghanistan would allow al Qaeda to re-establish safe havens there, whether drawing on the historical friendliness between the two or the inability of the Taliban to prevent their return to the country. Furthermore, the protracted, virulent insurgency creates opportunities for al Qaeda-linked Pakistani proxies such as the Haqqani network to invigorate international terrorist groups and use them in the fight in Afghanistan. President Obama has been pursuing the right strategy, and the forces the United States and its international partners have committed to executing it are—just barely—adequate to achieve it.

The outcome of the war in Afghanistan hangs in the balance. American forces and their allies made dramatic gains last year, clearing the Taliban out of safe havens throughout southern Afghanistan, their heartland. Eastern Afghanistan, where al Qaeda-linked groups have a stronger presence, has also seen considerable progress. Contrary to some media reporting, neither al Qaeda nor Lashkar-e-Taiba has established safe havens in the wake of the withdrawal of U.S. forces from isolated river valleys in Kunar Province. In fact, a series of offensive operations in the valleys and the province has inflicted great harm on elements of those organizations. Kunar's capital, Asadabad, is a growing and increasingly thriving town, as we saw on a recent visit. And Afghan Army troops have remained in some of the outposts from which U.S. forces withdrew, demonstrating their determination to control their own territory.

Although al Qaeda has not reestablished sanctuaries in Afghanistan, it has not been for lack of trying. U.S. forces only recently killed a senior Afghan al Qaeda official in Kunar, and there is ample evidence that al Qaeda and Lashkar-e-Taiba, among other Islamist groups, would welcome the opportunity to set themselves up in a lawless Afghanistan once again. The need to help Afghans establish a state that can prevent the reemergence of terrorist sanctuaries remains after bin Laden's death, and the current strategy, adequately resourced, is the only way to achieve that goal. Calling for accelerating the withdrawal is tantamount to declaring that Afghanistan has become irrelevant with bin Laden's death and that succeeding there is no longer important for America's security.

Consequently, there is a great deal of fighting ahead. Continued military engagements are needed to make precarious improvements enduring and handle other challenges. The enemy will work hard this year to retake its lost sanctuaries in the south, to conduct spectacular attacks in Kabul and elsewhere, and to strengthen its remaining safe havens in the east. Our forces will try to hold and expand security gains in the south and make progress in the east, but conditions are not set for any major reductions in those forces.

If there is cause for cautious optimism in Afghanistan, there are ample grounds for pessimism on the other fronts in the struggle with militant Islamism. Bin Laden's presence in Pakistan has once again concentrated the minds of Americans on the fact that Pakistan's leadership has yet to come to consensus about the need to combat and defeat militant Islamist groups within Pakistan's borders. Nor has the United States developed any real strategy for addressing this challenge. We can hardly expand the campaign of targeted strikes further, particularly after the recent raid deep into Pakistani territory. And the drone campaign will not defeat the virulent terrorist groups it is attacking. Overreacting to suspicions of Pakistani complicity in bin

Laden's presence in Abbottabad by suspending all aid or military ties or by taking other drastic actions would make it much harder, not easier, to operate against the terrorists who threaten us.

On the contrary, withdrawing forces from Afghanistan and cutting all aid to Pakistan would merely reinforce two of the most prevalent conspiracy theories in South Asia—that the United States will always abandon those who rely on it, and that we were only there to get bin Laden anyway. We should, instead, build on the symbolic victory of killing bin Laden by following through with the president's strategy to dismantle and defeat the militant Islamist groups supported as proxies by some in the Pakistani security apparatus. Only by defeating those proxies can we reasonably hope to compel Pakistan to reevaluate its security interests and develop a policy to oppose and suppress all militant Islamists operating within its borders.

But al Qaeda has not confined itself to its sanctuaries in Pakistan and Afghanistan. Al Qaeda thrives in political weakness and has been in the process of expanding around the globe. The core al Qaeda group of which bin Laden was the head (often referred to as Al Qaeda Central) has long had at best only a tenuous control over the operations of its dispersed franchises. That control rested partly on resources Al Qaeda Central directed, partly on the value of its recognition of a particular group as worthy of the al Qaeda brand, but largely on the symbolic importance of the charismatic bin Laden. Bin Laden's likely successor, Egyptian doctor Ayman al-Zawahiri, is far less charismatic. His accession to the leadership role could prompt a competition between Al Qaeda Central and its franchises over which group really is at the center of the movement. Such competitions, unfortunately, unfold in the form of spectacular attacks, particularly those conducted on the territory of Western states.

Al Qaeda in the Arabian Peninsula (AQAP), in Yemen, is the most active and perhaps the most dangerous al Qaeda franchise in the world. The Arab Spring has reached Yemen with a vengeance—massive protests have led to the defection of elements of the Yemeni military, with the result that armed forces are concentrating for potential civil war in and around the capital and elsewhere in the country. Attempts to broker a negotiated departure for Yemen's hated president, Ali Abdullah Saleh, have broken down. It is far from clear that any such agreement would keep the peace there for very long in any case. Already Saleh has brought back to his capital some of the elite, U.S.-trained Special Forces units supposedly dedicated to the fight against AQAP. As the work of Katherine Zimmerman at AEI's Critical Threats Project has shown, almost any likely scenario going forward will give AQAP more freedom to train, plan, stage, and conduct attacks from increasingly lawless tribal areas in which it has considerable local support. The combination of Yemen's slide toward state failure and bin Laden's death could create a tremendous opportunity for AQAP. His death may also lead to an increase in AQAP's efforts to conduct spectacular attacks against the United States and the West.

Another al Qaeda affiliate already has control over large portions of a state: Al Shabab is the de facto government of much of southern Somalia outside of Mogadishu. It has not been formally recognized as an al Qaeda franchise, but its ties with AQAP are long and deep, and its ideology closely mirrors al Qaeda's. Shabab is kept from controlling all of southern and central Somalia only by the presence of peacekeepers from Uganda and Burundi, who have been barely able to hold parts of the capital. Shabab is unlikely to suffer at all from bin Laden's death, but it may see a chance—or feel the need—to expand the reach of its strikes in sympathetic retaliation.

Al Qaeda in Iraq, fortunately, remains relatively ineffective, despite efforts to revive itself as American forces withdraw. But the continued presence even of American military trainers in Iraq after the end of this year remains in doubt, and it is not clear that the Iraqi military on its own will be able to maintain the necessary degree of pressure on that al Qaeda franchise. If the complete withdrawal of American forces now underway leads to the explosion of ethnic conflict between Iraqi Arabs and Kurds, as some analysts fear, Al Qaeda in Iraq could find fertile ground to reestablish itself, undoing the progress we have made since 2006.

A protracted stalemate in Libya could also set conditions for al Qaeda groups to pose again as the only reliable allies of eastern fighters feeling abandoned by the United States and the West. Although the current Libyan resistance leadership is not penetrated by al Qaeda or supportive of that organization or its ideology, eastern Libya is the area that has produced the most al Qaeda fighters in that country and that has the conditions most conducive to the injection of al Qaeda's ideas and leaders.

More remote scenarios could see the rise of al Qaeda franchises or fellow travelers in Egypt, elsewhere in North Africa, the Levant, or Equatorial Africa, but there is no need to belabor the point. The struggle with al Qaeda, to say nothing of the larger struggle against militant Islamism generally, is far from over. Clear and present dangers are, in fact, emerging. It can be tempting to argue that these threats merely show the wisdom of withdrawing from Afghanistan, which is not now a center of al Qaeda activity, to focus on more pressing problems elsewhere. We must resist that temptation. Our struggle against Al Qaeda in the Arabian Peninsula will not be helped by our giving its affiliates and allies free rein in Afghanistan and returning Taliban leader Mullah Omar, whom all al Qaeda affiliates recognize as ''the leader of the faithful,'' to a position of power.

Success in Afghanistan and Iraq remains vital. American withdrawal from either commitment will be taken throughout the Islamist community as a sign of weakness and indecision. But success in those two theaters is not enough. This moment in the war with militant Islamism is the time to take stock of our global strategy and to develop coherent approaches to the dangers already visible on the horizon. No one wants to invade Yemen, Somalia, Libya, or any other country. But the strategies we have been relying on in Libya and Yemen are failing, and we have never had a strategy for Somalia. The United States must seek every possible way of averting the dangers of stalemate, state collapse, and the triumph of al Qaeda groups, preferably without deploying more of our own forces.

It may be that, in the end, America simply cannot be secure if terrorist groups with international ambitions have uncontested control over sanctuaries and resources. But the U.S. government has never yet focused its attention fully on these challenges, let alone focused resources on them. It is past time to do so. Those sincerely concerned with America's security should be demanding that kind of commitment and should reject utterly the notion that bin Laden's death will allow us to declare ''mission accomplished'' and withdraw from the Middle East, and the world.

Mr. KYL. Mr. President, since my time is about expired, I will say this is one of the best statements I have seen recently, by Frederick and Kimberly Kagan, where they write about the result of the death of bin Laden, not offering an excuse to end the war in Afghanistan or our other efforts against terrorists but, rather, that success will come to us when we understand the nature of the threat and maintain our efforts to root it out wherever it may be, whether that be in Afghanistan, Iraq, Pakistan, Yemen, Somalia, or wherever. I think it is an excellent piece. I commend it to my colleagues as suggesting the way forward as we continue to fight the radical Islamists who would continue to visit ill on the United States and other western powers.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

## FLORIDA VOTING

Mr. NELSON of Florida. Mr. President, I want to call to the attention of the Senate the fact that a number of State legislatures, including our State legislature in Florida, have been enacting election law bills that severely constrict the right of the people to express their vote.

This has just occurred in the State of Florida, with the legislature adjourning in the early morning hours of Saturday, enacting a bill that has been sent to the Governor that would make it harder for the people of Florida to vote, harder for them to have their vote counted, and harder for the people to be able to register to vote.

Common sense would tell you what we ought to be doing is exactly the opposite—that we ought to be making things easier to vote, and especially in a State such as ours, which went through that awful experience in November of 2000, when there was so much chaos, not only in the voting in the Presidential election but then in the counting of the votes. Of course, we all know how that ended up—Bush v. Gore in the U.S. Supreme Court, which stopped the recount that was proceeding.

Because of that experience, to the credit of the State legislature, they started to make voting easier. For example, instead of just voting on election day, they had a 2-week period for early voting—something that other States have been doing for some period of time, so that people could go to designated polling places prior to election day. It certainly made it a lot easier on the supervisors of elections, the very people who are charged with the responsibility of registering voters and counting votes, because it spread the amount of people coming in to vote over time, so that all of them weren't there just within a 12-hour period on election day. This has turned out to be so popular in Florida that half of the voters in the last two elections voted prior to election day.

Well, can you believe that the State legislature has seen fit to cut the 14-

day early vote period back to 8, under the guise, well, we are going to make the amount of hours the same by giving the supervisors of elections discretion so that they could increase the voting days on early votes from 8 to 12 hours? But that is a ruse, because that means the election supervisors are going to have to pay time and a half, and those election supervisors are under the same kind of fiscal constraints that all of the other levels of government are right now and, as a result, what is going to happen is the voting hours are not going to be extended, and the State legislature has just constricted the number of voting days from 14 down to 8—and, by the way, they didn't let it run right up to the day before the election; they backed it off several days before the election, which would be the last day of early voting.

Why, when we want to make it easier to vote? Well, doesn't the legislature—and I hope the Governor, who has this bill coming to him—understand that it is a tremendous convenience to senior citizens to make it easier for them, instead of having to stand in a long line on election day, that over a 2-week period they can go and vote in a designated place?

Is there some reason they are trying to make it harder for senior citizens to vote? Well, it could be a lot of politics in this, but the fact is they are making it harder to vote, when in fact it ought to be the opposite.

I wish I could report to the Senate that that was the only thing they have done, but it is not. They made it harder to register to vote. As a matter of fact, well-respected organizations, such as the League of Women Voters, for years and years have taken it as their responsibility to go out and try to register people to vote. The League of Women Voters is a nonpartisan organization, which has as its sole goal to try to promote activities that promote our democracy. Here is what they did. They said if you go out and register people to vote, and under current law, there is a period of something like 1½ weeks to 2 weeks that you can turn in the names you have registered—no, no.

This time, what the legislature has done is said if you don't turn those new registration forms in within 48 hours, you are going to be subject to a fine and possibly a criminal penalty. And the President of the League of Women Voters of Florida, Diedre McNabb, has said, in effect, what that means is that they will not put that onus on their members of a fine and a criminal penalty and, in effect, they will stop registering people ahead of time.

What the election laws ought to do is exactly the opposite. We ought to have laws that encourage the registration of voters and try to get more people to participate. But that is not what the Florida legislature has done. It has done exactly the opposite.

I wish I could report to the Senate that was the only thing they have done. But they did more. For four decades, Florida has had a law, in a highly mobile society, if you have moved and you go on election day to cast your vote, and your registration address is different than the address that you show, for example, where you registered to vote years ago—maybe even a year ago—but in the meantime you have moved and your documentation—say, your driver's license—shows your new address, for four decades the law of Florida has said that a voter can change their address in the polling place to update that record, showing proper identification of who they are and that their signature matches.

Not so now. The legislature of Florida has just changed the law that if your address or your name changes—what happens if you got married in the last year and now your name doesn't match your registration name, but you still want to vote? What has the legislature of Florida done? They are going to require that you not cast a ballot. You are going to have to cast a provisional ballot, and you are going to have to have your authenticity certified after the fact.

The experience with provisional ballots in the last Presidential election in Florida, in 2008, was that of the over 35,000 ballots cast, 17,000—half of them—were not counted.

Who are the people who have been operating and have benefited by that law in Florida for four decades? They have been people who have gotten married and their name has changed. They have been people in the mobile society in which we live who have moved and bought a new house or moved into a new apartment. In other words, all of us—we and our neighbors.

Who else especially might have been the reason for the legislature of Florida to change this four decades-old law? The last Presidential election, college students in Florida voted in record numbers because college students in Florida in the town of their college went down where they had their registration. Yet their identification showed their address as their parents' home, not the registration address they had registered in their college town.

That is not making it easier to vote. That is not encouraging college students to vote. That is doing exactly the opposite. That is suppressing the vote.

What I am reporting to the Senate has been widely commented on in Florida in almost every editorial page in the State of Florida, with the bottom-line conclusion of what I have just said: It is trying to suppress the vote by making it harder to vote, harder to register to vote, and harder to have one's vote counted as it was intended.

I have written the Governor, and I have asked the Governor to consider all these things. It is widely commented in the Florida press that the Governor will sign the bill, thus constricting, restricting—whatever word you want to use—the right of the people to vote. If the Governor does sign the bill or lets it go into law without his signature, then our only other mechanism at this point, since there are 5 counties in Florida's 67 counties that are under a watch list under the civil rights legislation of the Voting Rights Act of 1965—it is my intention to encourage the Department of Justice, the Civil Rights Division, to examine this legislation with regard to the Voting Rights Act. Preparatory to that, I had sent a letter to Thomas Perez, the Assistant Attorney General of the Civil Rights Division of the Department of Justice, alerting him to this fact.

I have quoted in that letter several supervisors of election, both Democrats and Republicans, who have said that cutting the early voting period from 14 days to 8 will shrink poll access by 50 percent and disenfranchise a significant number of voters. That is what the supervisors of election, the elected officials in each of the counties, were telling me.

I wish to quote a Republican supervisor of election, Deborah Clark, in Pinellas County, which is the county of St. Petersburg and Clearwater, FL. This is what she said:

> Not allowing address or name change changes on election day will create an undue burden on eligible voters.

She continues:

> It will also result in long lines at the polls and discourage many voters from voting.

It is self-evident, and this is an assault upon our democracy that should not be tolerated. But it happened and it happened in the last week of the legislative session. I hope—I hope—there will be such an outcry that this legislative policy gets reversed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

## HONORING OUR ARMED FORCES

### SPECIALIST JOSEPH CEMPER

Mr. JOHANNS. Mr. President, I rise today to remember a fallen hero, U.S. Army SPC Joseph Cemper. Specialist Cemper was based in eastern Afghanistan, in the area east of Kabul bordering Pakistan. This area is one of the areas where the fighting in the Afghan war has been the most intense.

Specialist Cemper was serving with the 101st Special Troops Battalion of the 101st Airborne Division, one of the Army's most elite units. He and four fellow American soldiers were killed in a suicide attack that ultimately took 10 lives.

Specialist Cemper had a long desire to serve his country, and was rightfully proud of his commitment to defend and to protect.

He is mourned by his parents, three sisters, two brothers, a fiancee, and an infant son Liam. I know his family is proud of him, and will always remember his spirit, enthusiasm, competitiveness, and can-do attitude. They are the

type of American family that constitute the pillars of our Armed Forces, and are the reason our Nation remains safe from its enemies.

Joseph's father, SFC Eugene Cemper, has made service to the Army his life's work. As an Army recruiter, Sergeant Cemper had the unique experience of personally recruiting his son into the Army.

As a father and a leader, Sergeant Cemper inspired both Specialist Cemper and his younger brother, PFC Noah Cemper, to wear the uniform of an American soldier with pride.

The Cemper family laid their son to rest in Papillion, NE, on April 29, 2011. Specialist Cemper returned to his birthplace with valor and honor having been awarded both the Purple Heart and the Bronze Star Medals.

I know I speak for all Nebraskans, and all Americans, when I say that despite our sorrow, we are deeply honored to have him.

I cannot imagine the pain the Cemper family is suffering today. The loss unexpectedly of a son in combat is one of the most extreme trials a parent or loved one could face. I know, at this point, my words cannot ease their hurt.

So I will end this tribute by saying what Specialist Cemper held close to his heart, so close that his family has inscribed it in a scrapbook which will one day be seen by his son. It reads:

> When I stand before God at the end of my life, I hope that I would not have a single bit of talent left, and I could say that I used everything you gave me.

I hope he rests knowing that he died the bravest and most honorable death an American could. May God bless the Cemper family, their father and son still serving in the Armed Forces, and all our fighting men and women in harm's way.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SOUTHEASTERN TORNADOES

Mr. SESSIONS. Mr. President, I want to discuss today the tragedy that has occurred in Alabama and other States across the Southeast as a result of the tornadoes that hit our region in a 24-hour period between 8 a.m. in the morning on April 27 and 8 a.m. in the morning on April 28. The National Weather Service estimates there were a total of 312 tornadoes across the Southeast. The worst outbreak previously reported occurred in April of 1974, and that was with 148 tornadoes.

The Birmingham-Tuscaloosa F4 tornado had a path with a maximum width of 1.5 miles and a length, from the Tuscaloosa to Birmingham area, of 80 miles. It stayed on the ground almost continuously—very unusual. It went through a number of populated areas, and that tornado alone resulted in 65 deaths. Alabama's current death toll is nearing 250, with thousands injured. Frankly, after seeing the damage to the affected areas, I am amazed we did not lose more lives. As I talked to mayors and others on the ground, they said the same thing.

I talked to Mayor Gunnin in Hackleburg today. I believe he was the one who told me there were about 18 killed, and he was pleased it was that low. They were hammered with an F5, the highest, strongest tornado, which basically destroyed his whole town. All his businesses, including the distribution center for a jeans manufacturing company, have been destroyed. It is very difficult for them to pay for anything. Their businesses that pay a sales tax that goes to the city have been damaged, and he has made the point—and it is a good example—that he, in this little town of Hackleburg, had emergency funds, but they have been on massive overtime for the week since the event and other costs are arising and it is very difficult for him.

I want to thank President Obama for the quick response he made to the tragedy. The people of Alabama appreciated the fact that he, and later Cabinet members, actually visited some of the devastated areas. We appreciate the quick action in declaring Alabama and other areas major disaster areas. That does help in a lot of different ways.

I also had the opportunity to be with him in Tuscaloosa when he came there. Mrs. Obama, of course, did a beautiful job also of talking to the people who have lost so much and comforting them. Secretary Napolitano came on Sunday to the Pratt City area in Birmingham, along with several other Cabinet members. I think they also got a real appreciation for the severity of the damage and reassured Alabamians that help would be on the way in an appropriate fashion.

It is certain that it will take, for a number of our communities, an integrated, coordinated State, local, and Federal response to get these communities back on track. That is why we have a Federal Emergency Management Agency. That is why we have monies in the budget for these kinds of things, although this one is a particularly damaging event, I have to say.

As the ranking member on the Budget Committee, I am aware we have to be careful about how we spend money. We certainly don't have any money—not a dime—to waste.

I have to tell you, every time I have been there or I have talked to people on the ground, they tell me how impressed they are with the volunteers who are arriving from all over the country, bringing food and water and helping people who are already working. They are bringing chainsaws to help clear roads and highways and driveways to people's homes. That has been real encouraging, and it makes me very proud to represent a group of people who have the integrity and the work ethic and the determination to overcome tragedy. It has been encouraging to me.

Having walked through the devastated neighborhoods less than 24 hours after the tornado, I can tell you people were stunned at the damages, at the complete loss of homes and belongings. Many of the people believed themselves lucky to be alive. Their entire roof was gone, most of the walls were gone, and yet somehow they came out with minor injuries or less severe injuries. Others, of course, did not survive, and others received severe injuries. It is always amazing to me in a tornado situation how a house can be just obliterated, and persons can come out of it with not too severe an injury, and for that they were expressing great appreciation. I think it is a reflection of the faith these individuals have in a higher being who, I think, gives them the courage to go on.

One of the things that is perfectly clear is that housing in some areas will be a critical matter. Many houses are totally destroyed—nothing but a concrete slab left. Of course, many mobile homes or manufactured homes were completely lost. They are not on a slab, so those homes have been rolled over and completely demolished or disappeared basically. So we are going to need to work in a way that FEMA has done before to provide emergency housing.

In the larger areas where there is more housing around—there is vacant housing in some of our areas—they ought to be moved promptly into that vacant housing that currently exists. In some areas there is just not housing for individuals to move into. I was told today by two mayors that they have people still in recreational areas—gyms and that kind of thing—using those as a place for shelter. We are definitely not where we need to be.

Yet some FEMA trailers are being moved into areas of the State. That may have to be done. I wish we could avoid that step, but in many areas it cannot be avoided—avoided in the sense that, to me, the best way to handle a situation where a person's home is gone is to help that person move as quickly as possible into what could be a permanent residence—either through rental or purchase. The longer that person is in a temporary residence the more likely they are also often receiving Federal assistance. As long as they are in this temporary limbo circumstance, their life is less stable, and the Federal Government is spending more money, money that could be utilized better if we can avoid spending it

for temporary housing so it could be used to facilitate permanent housing. That would be a more effective policy, but it is not easy. In some instances, it cannot be done.

Initial reports indicate that Alabama's losses may rival or surpass its $1 billion loss in Hurricane Katrina. That is a factor we do not normally expect from tornadoes. We will wrestle with those costs as we go forward. But dollar losses are nothing compared to the severe loss of life. We have a record-setting loss of life.

Going through the Rosedale Court area of Tuscaloosa, AL, seeing first responders and volunteers frantically trying to help—in particular, they were searching for a missing young girl. They kept on and there were a large number of people there throughout this area where metal was twisted and roofs were gone and no walls, hardly, were standing. Materials were 3 feet deep on the floor, of plywood, roofing and the like. They found that young child, but unfortunately it was too late and her life had been lost.

That is the kind of thing that has been happening throughout the State. Our people are responding with courage and dignity and hard work. Volunteers from all over the country and all over Alabama are assisting. I was with a seafood group Friday, down from Bayou La Batre, AL, the seafood capital, in many ways, of the Gulf of Mexico, and they had been helped so many times over the decades because of various hurricanes that came through, they wanted to help so they brought large amounts of shrimp and seafood and their cookers. They were going to Tuscaloosa or some of the other areas and serving people out there who were volunteering or were emergency responders who were working to help in that neighborhood. That is the kind of thing that makes us proud and makes us all recognize the good that we have in our people.

I wished to share these thoughts and to note I have filed a resolution that deals with this disaster, expressing the condolences of the United States and noting many of the factors that are relevant to this damage and I will be asking the Senate agree to that. I note it has been cosponsored by Senator SHELBY, my colleague from Alabama, Senators ALEXANDER and CORKER from Tennessee, Senators COCHRAN and WICKER from Mississippi, Senators CHAMBLISS and ISAKSON from Georgia, and I understand others are signing on as we proceed.

I thank the administration for helping to respond properly. I thank the volunteers from all over America who have come to our State to assist those in need.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be able to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COLE NOMINATION

Mr. SESSIONS. Mr. President, I want to speak in opposition to the nomination of James Cole to be Deputy Attorney General of the United States, on whom we will be voting a little later this afternoon.

Despite President Obama's recess appointment of Mr. Cole, who has had significant opposition in the committee, and was not looking at smooth sailing—I do believe we should oppose his confirmation and his permanent appointment based on some concerns I have with his record, specifically his criminal justice view on the war on terror, which I believe is utterly wrong, and his questionable decisions as an outside consultant for AIG, the big insurance company that had to be bailed out to the tune of, I think, $170 billion.

He was an independent consultant, supposed to be monitoring that company for other errors they had made previously. So that is a concern to me.

I served 15 years in the Department of Justice—as the U.S. attorney for almost 12, and as an assistant U.S. attorney. I respect the Department. I love the Department of Justice, but I am getting concerned about it. I am not happy with some of the decisions and philosophies that are emanating from the Department. I believe they do not reflect the highest standards and qualities that we expect from that great Department.

This nominee has a lot of good qualities. I believe he has a number of strengths that—has management and some experience in the Department for which I would give him credit. But at this point in history, I believe his approach, particularly to the war on terror, along with the Attorney General's approach to the war on terror are not good. I have just about had enough of them.

I am just going to say this: I am not voting for another nominee—I am not going to vote for this one—who spent their time defending terrorists before they went to the Department. It is all right to defend an unpopular person, but 13 to 16 members of the Department of Justice, political appointees by this administration, have had as their background defending terrorists, including the Solicitor General nominee who is going to be coming up in committee this week, and also working for or representing the ACLU.

So when we get this much of a tilt in the leadership of the Department, it gives me great concern that the great Department I love and respect is getting off base. So I think it is important to note that right now one of the top priorities at the Department of Justice must be the recent warnings we received that the terrorist groups ''almost certainly'' will try to avenge the death of Osama bin Laden, and the continuing economic crisis that faces our country.

So I believe the President should be nominating proven prosecutors—prosecutors of terrorists, frankly—for top positions in the law enforcement agency, the U.S. Department of Justice. I do not think we need any more terrorist defense attorneys. When I was the U.S. attorney I hired a lot of assistant U.S. attorneys. I looked for proven prosecutors wherever I could find them. I did not go around to look for people who spent their spare time volunteering to defend terrorists or writing papers defending criminals. That is just the way I see it, frankly. I have to be honest about it.

So we have had this one, we have had that one, we have had another one, and another and another. Now we have 13 to 16 who have been appointed to the Department of Justice who have had this background.

Defending the unpopular is not disqualifying. We voted, and I voted, for a number of people in the Department who have been involved in these kinds of defense efforts, who filed lawsuits against President Bush. They thought they were doing something great. I guess they did not turn down the evidence if it helped in any way lead to the location of Osama bin Laden.

We do have standards about how we should gather evidence, and lines should not be crossed. But that does not mean we are not in a war. It does not mean the people who are attacking us are common criminals who need to be tried in civilian courts. They are at war with us. Bin Laden said he is at war with us. He declared war on us. You do not treat prisoners of wars, captured enemy combatants, like you treat common criminals. This is fundamental.

I served in the Army Reserve a number of years, some of that time as a JAG officer. I taught courses on prisoners of war and how to treat prisoners and the standards of the field manual. I do not claim to be a great expert at it, but I did it. I had some experience in it.

Mr. Cole consistently—and some of these nominees to the Department—takes the view that terrorists are criminals and not unlawful combatants. Let me just say briefly, if a person is caught—a murderer, a rapist, or virtually any kind of criminal—when they are taken into custody, as the Presiding Officer knows, who was a good prosecutor himself, they have to be—before you can interview them, once they are in custody you have to

give them Miranda warnings. That authorizes and tells them—basically tells them: You did not have to make any statements at all. It basically says: If you are an idiot, you will make statements. You are entitled to a lawyer. If you do not have any money, we will appoint you a lawyer. You have to go before a magistrate within a matter of hours. You are entitled to discovery of the government's case in short order, and you are entitled to a speedy trial. You are entitled to prowl around in the government's case and find all of the evidence the government has.

In war, that is not so. A classic case was Ex parte Quirin in World War II when German saboteurs were dropped off on our coast from a submarine. They were going to sabotage the United States of America. They were apprehended, taken to military tribunals, tried, and most of them were executed in a matter of months. The case went to the Supreme Court, Ex parte Quirin, and was affirmed.

There has never been any doubt that unlawful combatants can be tried for their crimes in military courts. It is done all over the world. It is an established principle.

Now, let's get one thing straight. If you are a lawful combatant, and you are captured on the battlefield—whether you are a Japanese soldier or German soldier or Italian soldier—and you comply with the laws of war and you wear your uniform and you do not attack deliberately men, women, and children, civilians, and try to kill them, and you comply with other rules of war, you cannot be tried. You can just be detained until the war is over, but you do not get lawyers. You do not get trials and discovery and all of that sort of thing. But if in conducting your military campaign you violate the internally respected laws of war, you cannot only be held as a prisoner of war, but the nation that is holding you can try you for violations of the laws of war.

So that is how these 9/11 attackers who did not wear uniforms, who attacked deliberately civilians, are perfectly fit to be tried as war criminals or unlawful combatants. They have announced their intention to destroy the United States, to attack the United States. They have said they are at war with us. But they have done it in an unlawful way, and they can be tried in military commissions. This allows the military to conduct interrogations according to the laws of war over a period of months, years even. Sometimes after months a prisoner will start to talk. You never know why they start talking.

But to deny ourselves the right to allow those kinds of things to happen, to say we have to try these individuals, such as Khalid Sheikh Mohammed, in civilian courts is clearly in error. But that is the Attorney General's position. I asked him about it last week when he testified before the Judiciary Committee. He said: It still remains the policy of the Department of Justice that persons who are arrested as terrorists are presumed to be tried in civilian court, although Congress has passed a law prohibiting moneys to be expended for that, on the 9/11 attackers. The Attorney General is in a huff and said Khalid Sheikh Mohammed will be tried in Guantanamo under military procedures as an unlawful combatant, but he does not like it. That is not his view. It looks like everybody he wants to hire to be in the Department of Justice agrees with that erroneous view.

It is not a close question. This is not a close question. There is no reason a terrorist who is apprehended in the United States ought to be provided lawyers and Miranda warnings. They are combatants. They are not common criminals. Thinking this way has caused dangerous confusion.

As our troops and intelligence community continue to work night and day to keep our country safe, it is imperative that we view the war on terror as a real war and not a criminal matter and regard those who wish to perpetrate terror on this country as enemy combatants, not plain criminals. Like many in the administration, Mr. Cole disagrees.

In 2002, not long after the 9/11 attacks, he wrote an op-ed and published it criticizing then-Attorney General John Ashcroft's decision to try the 9/11 terrorists in military commissions. They researched the law. Attorney General Ashcroft knew what he was doing. They decided they were going to try these individuals by military commissions. He had written an op-ed attacking the Attorney General for it.

So now that is the man we have as the nominee for the Deputy Attorney General of the United States. At his hearing last Congress, Mr. Cole repeated the prevailing and confusing Justice Department position that decisions regarding whether captured terrorists should be tried in civilian courts or before military commissions ''should be made on a case-by-case basis based on all of the relevant facts and circumstances available at the time of a suspect's capture.'' Is this going to happen in Yemen, Afghanistan, Pakistan, wherever else they may be in the United States is not a practical policy because we have to tell the individuals who are making those captures what the rules are. As the Attorney General said, they still adhere to the view that the presumption is, the individual will be tried in civilian court. Therefore, the presumption is, within a short time of their being taken into custody, they should be given Miranda warnings, offered a lawyer, and set for a preliminary court appearance, which could reveal to all the other terrorists that their partner in war has been captured and allow them to escape.

It is a wrong view, and why they persist in this is beyond my understanding. Congress understands it and the American people do also.

This administration has established a policy that declares there is a presumption of civilian trials and has failed to articulate a clear policy for designating captured terrorists as enemy combatants or criminal defendants. So I remain very unconvinced that the next captured terror suspect will not be given the rights of a common criminal and told he has the right to remain silent to the detriment of crucial intelligence gathering. One of the most significant findings of the 9/11 Commission was that intelligence gathering, intelligence possession about what the enemy is doing is the best way to protect our country, not prosecuting them after the fact. So telling someone they have the right to remain silent and they have a lawyer who is going to insist that they not make any statements, does that help us gather intelligence? If it is required by the U.S. Constitution, we will do it. We will just plain do it, regardless, but it is not required by law, history or the Constitution. Law, history, and the Constitution allow these enemy combatants to be tried in military commissions and they don't have to be given Miranda warnings, which was a court-created rule a number of years ago that never was understood before and is not practiced, to my knowledge, in any other Nation in the whole world. Of course, all this provides poor guidance for our law enforcement, military, and intelligence officers as they go about their efforts, and it is a grievous and dangerous mistake to continue this policy.

It seems to me that Mr. Cole and Attorney General Holder are cut from the same cloth on this issue. I am uneasy about these two individuals holding the top two positions in the Department of Justice. Now the Solicitor General nominee seems to hold similar views and, if confirmed, he will be one of the highest ranking people in the Department. Their policy views appear to control the Department of Defense. In other words, if they say this is the rule, the Department of Defense has to give the Miranda warnings and so forth if they are involved in a capture, and it directly controls the FBI, which is part of the Department of Justice.

As the acting second in command at the Justice Department, Mr. Cole would play a lead role in decision-making in the terror prosecutions throughout the country. The Justice Department's continued insistence on a presumption of civilian trials for terrorists confirms my concerns that Mr. Cole has adhered to the failed pre-9/11 law enforcement approach to terrorists, an approach the 9/11 Commission and the Nation as a whole recognized was in error and should be changed. I thought we had clearly made that move. Apparently, we haven't.

Also of concern, from 2003 to 2007, Mr. Cole represented a Saudi Prince against insurance carriers and September 11 victims who alleged that the Saudi Prince helped finance terrorists. Reportedly, Mr. Cole's client was

linked through Treasury Department documents to the financial support of extremist groups through the Al-Haramain Foundation, a Saudi charity that had diverted funds to al-Qaida before and after 9/11. While attorneys are free to, and should be free to, represent unpopular clients, Mr. Cole is one of a long line of political appointees at the Department of Justice who seem to me to be questionable choices for key posts at the agency that is charged with defending national security, given their choices to represent the very individuals and groups whose goal it is to attack this country or kill Americans.

According to press reports, at least 13 to 16 current Obama administration political appointees, including the current Solicitor General nominee who represented Jose Padilla, previously provided legal counsel to suspected or convicted terrorists and enemy combatants being held in detention or to leftwing organizations that actively sought to reverse Bush administration antiterrorist and detainee policies—policies, I might add, that were a contributing factor to the elimination of bin Laden and many other terrorists throughout this past decade. I am curious to know if they have appointed anyone to key positions in the Department of Justice who has ever prosecuted a terrorist. I would like to know that. Maybe they have. Surely, somebody has, but it looks odd to me that so many of those who have been on the other side have been given top appointments.

On another subject, I am very disappointed with this administration's abdication of its duty to defend congressionally enacted laws, specifically the Defense of Marriage Act. Attorney General Holder has stated President Obama had decided he would no longer defend this law, after reviewing the Attorney General's recommendation and that the law falls under the exception in which ''the Department of Justice cannot offer a reasonable argument in defense of the statute's constitutionality.''

Well, it has been defended and upheld by a number of courts. How do we waltz in there and decide we are not going to defend a congressionally enacted statute signed into law by President Clinton because they don't like it? That is how it appears to me. The administration apparently came to this conclusion after unilaterally deciding that ''classifications based on sexual orientation warrant heightened scrutiny''—in the face of precedent from 11 circuit courts of appeal holding that such classifications should be reviewed under the much lower rational basis standard.

There is a very big difference between refusing to defend a law the administration regards as unconstitutional and refusing to defend a law that the administration opposes on the policy grounds.

The ACTING PRESIDENT pro tempore. The Senator has used 15 minutes.

Mr. SESSIONS. I ask unanimous consent to speak for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the Department of Justice is a great department, and they have some very fine people there. I know Mr. Cole has some good qualities. I supported Mr. Holder for Attorney General, but I am very uneasy about the direction the Department is taking on a large number of issues, and I believe one of the reasons this is happening is because they have surrounded themselves with a group of leftist lawyers, activist lawyers who don't operate according to the more traditional views of law and justice in America. That is my view. Other Senators may disagree. That is my view. I am not able to support Mr. Cole for that and the reasons I have stated. I hope in the future the administration will appoint more nominees that have proven records of independence, effective prosecution, and commitment to law.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I greatly respect my friend from Alabama, Senator SESSIONS, although I come to a different conclusion in regard to Jim Cole.

I have worked with Jim Cole. I was part of a legislative committee in the House of Representatives that had to do some very difficult work on an ethics issue involving a former Speaker of the House of Representatives. It was a tough decision to bring together six Members of the House—three Democrats, three Republicans—and do it in a way that would maintain the nonpartisan requirements of an ethics investigation. The atmosphere was very partisanly charged around the work we were doing. I know this sounds familiar. People in Maryland and Connecticut and around the Nation understand we are working in a very partisan environment, and they expect the people who are charged at the Department of Justice to work in a nonpartisan manner.

This is not a partisan position, the Deputy Attorney General. This is a person who is working with the Attorney General, the Nation's lawyer. We want somebody who has the experience, someone who has the character and commitment to carry out this very important position.

As I said, I have known Jim Cole. He has 13 years' experience within the Department of Justice. He is a public interest attorney. That has been the largest part of his professional career, the service of public interests. He has always followed policy, not politics. He has a very distinguished career in law, and he is the type of person we like to see within the Department of Justice.

As I pointed out, I worked with Jim Cole when I was in the House of Representatives. We worked on a very difficult investigation involving the former Speaker of the House of Representatives who at the time was Speaker. The chairman of the committee was Porter Goss, a Republican from Florida. Porter Goss's observations of Jim Cole were that he was a brilliant prosecutor, extraordinarily talented. Then Mr. Goss goes on to say that over time, he brought our committee to a bipartisan cooperation which was desperately needed in order to successfully complete that matter. At the end of the day, the six of us came together in a unanimous recommendation. That is the type of person Jim Cole is. He was professional and put policy ahead of politics.

Former Senator John Danforth testified at Jim Cole's confirmation hearing. John Danforth is a former Republican Member of the Senate. He called Jim Cole ''a lawyer's lawyer.''

Jim Cole has support from Democrats and Republicans. Former high officials within the Department of Justice have all recommended him, including former Deputy Attorneys General appointed by both Republicans and Democrats.

Let me quote one other person I had hoped would be greatly respected on both sides of the aisle; that is, Fred Fielding, the White House counsel for former President George W. Bush. He said Mr. Cole ''combines all the qualities you want in a 'citizen public servant'—he understands both sides of the street and is smart and tenacious, and is a person of unquestioned honor and integrity.''

That is what Fred Fielding, the former White House counsel to President Bush said, about Jim Cole.

Jim Cole is supported by former RNC officials and DNC officials because he is nonpartisan. He is a nonpartisan person who has put public interest law as his top priority.

I was listening to Senator SESSIONS talk about terrorism. We have had a spirited political debate taking place in this country over the best way to bring terrorists to justice. Mr. Cole, however, will always put principle over politics, and he is committed to evaluating each case and matter that comes before him based on the facts and the law. That is what you want from the Department of Justice. They are the values and the character we want in our Nation's Department of Justice, and Jim Cole will bring that to the Department of Justice—already brought it to the Department of Justice.

The bottom line about Mr. Cole's approach on fighting terrorists is one I believe we all believe in. We are a nation at war with al-Qaida, the Taliban, and their associated forces. We need tough, aggressive, and flexible policies that recognize the paramount importance of providing the President with the ability to use all of the lawful tools—all of the lawful tools—of our national power to protect the American people and bring terrorists to justice.

Jim Cole believes in that. He is committed to working with the Congress so we use all available tools. We make the judgment in each individual case as to what is the most effective way to bring a terrorist or criminal to justice.

He not only has expertise in handling terrorists and bringing them to justice, he has had very important positions in the Department of Justice supervising the criminal prosecution of white-collar crimes. He understands the full breadth of the Department of Justice and is a very valuable player in making sure the Department of Justice follows in the fine tradition of that agency.

I urge my colleagues to vote to move forward. At least vote to allow this nomination to get an up-or-down vote. This is a very important position: the Deputy Attorney General. We talk about we were sent here to Washington to make tough votes. OK. I do not think this is a tough vote. I think Jim Cole is the best person for this critically important job, and I do not think he is at all a partisan person. I know him well. I know him to be a career type individual who is interested in doing what is right. But this is not a nominee where you should be using a filibuster to prevent an up-or-down vote.

This is a very important position for our country. For the dignity of the Senate and the Department of Justice and the decency of Jim Cole, I urge my colleagues to allow us to go forward with an up-or-down vote on his confirmation, and I urge my colleagues to support his confirmation to be Deputy Attorney General of the United States.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, I know we are in morning business. I ask unanimous consent to speak on the nomination of James Cole to be Deputy Attorney General.

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

Mr. GRASSLEY. Mr. President, I rise in opposition to the motion to invoke cloture on the nomination of James Cole to be the Deputy Attorney General at the Department of Justice. I oppose proceeding to a vote on the nominee for a number of reasons.

I have concerns regarding Mr. Cole's qualifications and am troubled by President Obama's recess appointment of Mr. Cole to this position. I have been consistent in my opposition to recess appointments over the years. Whenever the President bypasses the Senate by making recess appointments, such nominees will not receive my support. We have a process in place for nominations and if the President is not willing to work with Senators to clear nominations, the nominee should not get a second bite at the apple.

In addition to my general opposition to recess appointments, I have consistently warned this administration that I would not cooperate in moving nominees for the Department of Justice, until they cooperated with my request for oversight materials. Last month, I went to the floor to describe what I have learned in the course of my investigation into whistleblower allegations at the Bureau of Alcohol, Tobacco, Firearms, and Explosives, ATF. According to whistleblowers, guns found at the scene of the murder of Border Patrol Agent Brian Terry had been purchased illegally by a known straw buyer a year earlier, with the blessing of the ATF as part of an operation known as Fast and Furious.

I first asked about this issue on January 27. On February 16, I requested specific documents from the Justice Department. I reiterated that request on March 3.

When the Justice Department failed to produce any responsive documents, I partnered with House Oversight and Government Reform Chairman DARRELL ISSA, who first requested documents and then issued a subpoena to the ATF after his voluntary request was ignored. On April 13, my staff learned that the Justice Department was making certain documents available for Chairman ISSA's staff to review at the Department. Not only did the Department fail to notify me of this document review, when I sent two of my staff members to participate, they were turned away at the door of the Justice Department.

To this day, the Justice Department has still not produced a single page of documents in response to my inquiries and has provided only previously released public documents in response to Chairman ISSA. I received a letter on May 2, 2011, declining to provide my staff with access to the documents on the grounds that ''the Executive Branch . . . has taken the position that only a chairman can speak for a committee in conducting oversight work.'' According to the DC Circuit Court of Appeals, however:

> It would be an inappropriate intrusion into the legislative sphere for the courts to decide without congressional direction that, for example, only the chairman of a committee shall be regarded as the official voice of the Congress for purposes of receiving such information, as distinguished from its ranking minority member, other committee members, or other members of the Congress. Each of them participates in the law-making process; each has a voice and a vote in that process; and each is entitled to request such information from the executive agencies as will enable him to carry out the responsibilities of a legislator.

That is from Murphy v. Department of the Army, 1979.

I said on the floor on April 14 that if the Justice Department did not cooperate and provide the information we need, I would consider exercising my right to object to unanimous consent requests on a nomination. Since that time, I have received nothing but stonewalling from the Department. As the chief operating officer of the Department, Mr. Cole is in a position to ensure the Justice Department meaningfully cooperates with my inquiries and complies with my document requests. He has failed to do so.

I also am troubled by the Department's continued resistance to oversight requests from Senator CHAMBLISS, the vice chairman of the Select Committee on Intelligence. Senator CHAMBLISS has requested that the Department of Justice share important documents with Congress regarding the Guantanamo Bay Detainee Review Task Force. This task force reviewed the case files of many detainees that were released or transferred from U.S. custody. Unfortunately, we now know that over 25 percent of those detainees later returned to fight against us or our allies.

These documents are part of a legitimate exercise of our constitutional duty to conduct oversight. The Department's repeated stonewalling of Senator CHAMBLISS's request should not be rewarded with a cloture vote on a controversial nominee.

The Deputy Attorney General is the second in command at the Justice Department and responsible for overseeing the day-to-day operations of the Department. Managing this vast bureaucracy is a difficult task that requires a serious commitment to protecting our national security, enforcing our criminal laws, and safeguarding taxpayer dollars. We need a qualified individual to fill this slot, an individual who possesses the ability to not only provide leadership for the Department but also an individual who has the smarts, capability and willingness to manage Department programs and root out inefficiencies and abuses in those programs. After reviewing all his responses and his hearing testimony, I concluded that I could not support Mr. Cole's nomination to be the Deputy Attorney General.

In particular, I am seriously concerned about Mr. Cole's views on national security and terrorism. Back in 2002, Mr. Cole was the author of an opinion piece in the Legal Times. In that piece, he stated:

> For all the rhetoric about war, the Sept. 11 attacks were criminal acts of terrorism against a civilian population, much like the terrorist acts of Timothy McVeigh in blowing up the Federal building in Oklahoma City, or of Omar Abdel-Rahman in the first effort to blow up the World Trade Center. The criminals responsible for these horrible acts were successfully tried and convicted under our criminal justice system, without the need for special procedures that altered traditional due process rights.

He added that, ''The acts of Sept. 11 were horrible, but so are . . . other things.'' The other things he referred to were the drug trade, organized crime, rape, child abuse and murder. Mr. Cole's opinion piece argued that

notwithstanding the involvement of foreign organizations, such as al-Qaida, we have never treated criminal acts influenced by foreign nationals or governments as a basis for ''ignoring the core constitutional protections ingrained in our criminal justice system.''

Mr. Cole concludes his opinion piece by arguing that in addition to stopping future terrorist attacks, the Attorney General is a criminal prosecutor and that he has a special duty to apply constitutional protections engrained in our criminal justice system to everyone, including terrorists captured on a foreign battlefield.

Mr. Cole wrote this opinion piece 2 days short of the first anniversary of the September 11 attacks. Given the close proximity in time to the September 11 attacks, we must understand this opinion piece to be Mr. Cole's true beliefs about the application of the civilian criminal justice system to terrorism cases, including those who masterminded the 9/11 attacks.

From the opinion piece and his responses to our inquiries, it appears that if given a choice of prosecuting high ranking terrorists in civilian courts or military commissions, Mr. Cole would likely favor civilian courts based upon his longstanding belief in the role the Attorney General plays in protecting the principles of the criminal justice system. Absent a clear statement from Mr. Cole about what factors would warrant selecting a civilian or a military forum, it is hard to look at his entire record of past opinions, his testimony, and responses to our questions and reach a different conclusion.

Military tribunals have many advantages to civilian criminal courts and are better equipped to deal with dangerous terrorists and classified evidence while preserving due process. I am troubled that Mr. Cole does not appear to share this belief. Based upon his responses and testimony, I have serious concerns about Mr. Cole's support for civilian trials for terrorists captured on a foreign battlefield given that the Deputy Attorney General oversees the national security branch at the Justice Department.

Second, I have concerns about Mr. Cole's abilities relative to oversight of government programs. First, in his responses about oversight of DOJ grant programs, Mr. Cole failed to commit to a top to bottom review of the programs.

We have had enough examples of the tremendous inefficiencies, duplications, and waste in these programs. I am disappointed that Mr. Cole has failed to recognize that there is a need for comprehensive review of the Department of Justice's grant program, not only for the sake of saving taxpayer dollars but also to ensure that grant objectives are being met in the most efficient and effective manner possible.

Third, I do not have confidence regarding Mr. Cole's abilities based on his performance as an independent consultant tasked with overseeing AIG. By way of background, the Justice Department provided copies of the reports Mr. Cole issued when he was overseeing AIG, but they were labeled ''committee confidential.'' Consequently, I cannot discuss in a specific manner the context of those documents publicly.

Nevertheless, when taken into context with the public responses provided by Mr. Cole to my questions, a troubling picture develops about Mr. Cole's performance in his independent consultant responsibilities. The responses and reports do not dispel the serious questions raised about Mr. Cole's independence and completeness. Further, they reveal what appears to be a level of deference to AIG management one would not expect to see from someone tasked as an ''independent'' monitor.

In order to clarify a number of questions on this matter, Senator COBURN and I sent a followup letter seeking additional answers from Mr. Cole. Mr. Cole's reply clarified that DOJ, SEC, and the New York State Attorney General's office were aware of his practice of seeking input from AIG and making modifications to the reports. He indicated that the changes AIG made were often factual changes, such as AIG employee names, dates of materials, and events. He also indicated that some of the changes requested by AIG were included in a section of the report entitled ''AIG Response.'' However, he said that ''on a few occasions'' AIG would ''suggest a stylistic change of phrasing in the analytical section of the report.'' He stated that while he included the edits made by AIG, he ''did not believe that a detailed presentation of this factual review was necessary to an understanding of each party's position.'' As a result, the report did not necessarily show which edits AIG made that were incorporated. Instead, he said that those changes were available in working papers that were ''available to the SEC, the DOJ, the New York Attorney General's Office.'' Unfortunately, he added, ''the agencies—which were aware of this practice—did not request such documents.''

While I appreciate Mr. Cole's responses to these clarifying questions, they raise concerns about how independent his monitoring was, what changes were ultimately requested by AIG, what changes were included, and how much the SEC and the DOJ really knew about edits AIG was making to the ''independent'' reports.

Finally, I have serious concerns about Mr. Cole's decision to suspend the compliance review at AIG's Financial Products Division following the government bailout. In his testimony, Mr. Cole acknowledged that following the government bailout of AIG, he scaled back his efforts until the future of AIG as a corporation was determined. After Mr. Cole suspended his monitoring, AIG restructured its compliance office and terminated a number of staff overseeing the company's compliance with the Securities and Exchange Commission regulations. Mr. Cole said that after it was determined that AIG's Financial Products Division would not be dissolved, the compliance and monitoring were ''revived and are being reviewed and implemented where applicable.'' Under Mr. Cole's watch, AIG not only got $182 billion of taxpayer money, it was able to talk the independent consultant—Mr. Cole—out of monitoring what the company was doing.

Based upon these factors, I am concerned about Mr. Cole's ability to perform the duties required of Deputy Attorney General. He would be in a position to potentially influence future compliance monitors appointed under settlements between the Justice Department, the Securities and Exchange Commission, and other corporations that have violated the law. Independent monitors need to be truly independent and completely transparent. They are selected and appointed to ensure that the interests of the American people are protected.

I cannot support the nomination of Mr. Cole to be Deputy Attorney General and, therefore, will vote against cloture. I urge all of my colleagues to join me in opposing this cloture vote to send a message to the Justice Department to stop the stonewalling of legitimate oversight inquiries from Members of the Senate.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

### NOMINATION OF JAMES MICHAEL COLE TO BE DEPUTY ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided and controlled between the two leaders or their designees.

Mr. GRASSLEY. Mr. President, I yield 10 minutes to the Senator from North Carolina.

Mr. BURR. Mr. President, I thank the Senator. In less than an hour, this body will be asked to vote on cloture to proceed to the nomination of James Michael Cole to be Deputy Attorney General. I rise in opposition to that cloture vote on the nomination of James Cole, and I urge my colleagues to strongly oppose it.

As a member of the Senate Intelligence Committee, I share the views of the vice chairman, Senator CHAMBLISS, and the ranking member of the Judiciary Committee, Senator GRASSLEY, as expressed in their letter to Republican colleagues dated May 6, 2011, opposing cloture on this nomination.

I ask unanimous consent to have printed in the RECORD this letter from Republican colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, May 6, 2011.*

DEAR COLLEAGUE: The Majority Leader has filed cloture on James Cole, the President's nominee to be the Deputy Attorney General. At this time, we do not support Mr. Cole's appointment and urge you to oppose cloture on his nomination.

During the last Congress, Mr. Cole's nomination was not considered by the full Senate for several reasons. First, the Department of Justice has refused to comply with repeated minority requests since August 2010 for documents and information related to the activities of the Guantanamo Bay Detainee Review Task Force. Second, Mr. Cole's comments and hearing testimony regarding the September 11th terrorist attacks raise significant concerns about his suitability to be the Deputy Attorney General of the United States. Third, we have concerns about Mr. Cole's abilities based on his performance as an Independent Consultant tasked with overseeing the insurance group, AIG. As a result, the Senate returned the nomination to the President. Unfortunately, on December 29, 2010, Mr. Cole was recess appointed to a one-year term while the Senate was adjourned and sworn in shortly thereafter. Notwithstanding Mr. Cole's recess appointment, our reasons for opposing his nomination remain.

DEPARTMENT OF JUSTICE STONEWALLING DOCUMENT AND INFORMATION REQUESTS BY RANKING MEMBERS

For several years, the Senate Select Committee on Intelligence has been reviewing the process used by the Administration's Guantanamo Bay Detainee Review Task Force to detain, transfer, or release detainees from the Guantanamo Bay facility. Given that the recidivism rate among these detainees has now risen above 25 percent, Congress must have clear insight into this process to determine whether additional legislation is needed to protect our national security.

The Attorney General has been asked repeatedly to provide Congress with: (1) any guidance or recommendations related to the Task Force process (including a September 2009 Attorney General memorandum concerning a presumption to be applied in favor of transfer or release for certain detainees); (2) the Task Force's unredacted recommendations regarding each detainee; and (3) a list of the 92 detainees who were approved for transfer as of August 28, 2009, prior to the issuance of the September 2009 memo. In spite of these specific written requests from Senators in the minority, including a request from all of the minority members of the Select Committee on Intelligence, the Justice Department has not provided the information, instead asserting a questionable ''deliberative process'' privilege to justify its lack of compliance.

Aside from this dubious assertion of privilege, the repeated failure of the Justice Department to comply with this oversight request is part of a disturbing pattern of refusing to recognize legitimate oversight requests from ranking minority members. For example, the Justice Department is currently refusing to turn over documents requested by the Ranking Member of the Senate Judiciary Committee regarding serious allegations that the Bureau of Alcohol, Tobacco, Firearms, and Explosives knowingly allowed straw purchasers to buy firearms that were then provided to criminal drug cartels in Mexico. At least two of these weapons were later found at the scene where Border Patrol agent Brian Terry was murdered.

MR. COLE'S VIEWS ON TERRORISM

A September 2002 opinion piece by Mr. Cole raises serious questions about his judgment and his current views on terrorism. In that article, he noted that ''[f]or all the rhetoric about war, the September 11th attacks were criminal acts of terrorism against a civilian population'' and were no more horrible than ''the scourge of the drug trade, the reign of organized crime, and countless acts of rape, child abuse, and murder.'' He also argued that the protections of our criminal justice system ''must be applied to everyone to be effective.''

While the United States must use every means at our disposal—criminal, intelligence, and military—to fight terrorism, not every terrorist deserves the valued protections of our criminal justice system. Although Mr. Cole has downplayed his comments, he has not rejected the comparison of September 11th to ordinary criminal acts or answered whether he favors trying terrorists in civilian courts. His failure to do so exhibits a lack of understanding about the real threat of terrorism.

MR. COLE'S PERFORMANCE IN OVERSEEING AIG

We have a number of concerns about Mr. Cole's abilities based on his performance as an Independent Consultant tasked with overseeing AIG. Some of these concerns cannot be shared in this letter, because the Judiciary Committee has labeled the relevant reports as ''Committee Confidential.'' Nonetheless, these reports and Mr. Cole's responses reveal what appears to be a level of deference to AIG management that one would not expect to see from someone tasked as an ''independent'' monitor. Also, we have serious concerns about Mr. Cole's decision to suspend the compliance review of AIG's Financial Products division following the government bailout.

CONCLUSION

We believe that before Mr. Cole's nomination receives an up-or-down vote in the Senate, the Department of Justice must immediately comply with the long-standing requests for documents and information related to the Guantanamo Bay Detainee Review Task Force. Moreover, we are not yet convinced that Mr. Cole's recess appointment should be ratified by the Senate in light of the remaining concerns about his suitability for this very important position.

Again, we urge you to oppose cloture of Mr. Cole's nomination at this time.

Sincerely,

CHARLES E. GRASSLEY,
*Ranking Member, Senate Committee on the Judiciary.*

SAXBY CHAMBLISS,
*Vice Chairman, Senate Select Committee on Intelligence.*

Mr. BURR. Mr. Cole's nomination is troubling on several fronts. First, the Department of Justice, where he now serves as second in command since his recess appointment this past December, refuses to provide the Senate Intelligence Committee with documents we have been requesting for months.

More than 2 years ago, the Intelligence Committee learned that the recidivism rate—the number of prisoners we release who go back into the fight—at Gitmo was 11 percent. Today it stands at over 25 percent. In this effort to close the detention facility at Gitmo, the President ordered a task force run by the Attorney General to review the status of all detainees still housed at Gitmo. Through much of 2009, the Gitmo detainee review task force examined every detainee's case and made recommendations to the administration on whether to transfer, release, or detain each one.

At a time when Congress is aware that former Gitmo detainees are returning to their old ways, we have an obligation to the American people—an obligation to the American people—to make sure no more detainees are released who could cause us harm. Even though Gitmo remains open right now, efforts to transfer or release many of these detainees continue today. The documents the Intelligence Committee is seeking all relate to the task force process and will help the committee understand why the task force made the recommendations it did, especially with respect to those detainees who may have raised red flags for the intelligence community.

We know that the Attorney General provided recommendations on how the task force should make its transfer decisions because of separate information provided to the committee. We do not have everything, however, including the September 2009 memorandum in which the Attorney General reportedly recommends that an entire category of detainees be presumed to be eligible for transfer—presumed eligible for transfer. While we have asked for this memorandum and any other recommendations repeatedly, the Department has refused to provide them. If the Attorney General of the United States recommended that certain detainees be treated favorably, possibly in spite of the intelligence, the Senate Intelligence Committee has a clear oversight interest in reviewing the September memorandum and seeing if and to whom it was applied.

In addition to refusing to provide the September 2009 memorandum, the Justice Department has also denied the Intelligence Committee the recommendations of the task force. The committee cannot determine why the task force made its recommendations without seeing the description of how the task force came to the positions it did. The Department claims that both the September 2009 memorandum and the unredacted recommendations are protected from disclosure to Congress because of deliberative process. This is an assertion ordinarily used in a FOIA case or in the context of Executive privilege, not to inhibit congressional oversight of a Federal agency. An interesting inconsistency in this assertion is that the administration has

willingly provided the Intelligence Committee with the recommendations of the past administration.

I understand that in the last few days, the Attorney General has reached out to the vice chairman of the Intelligence Committee in an effort to resolve these issues before today's vote. Given the Department's months of delays and obstruction in complying with this request, I believe cloture on this nomination is not appropriate until the documents requested have been provided in full.

In addition to the document issue, Mr. Cole has not explained some highly charged comments he made about 9/11. An op-ed he authored back in September 2002 called the 9/11 attacks ''criminal acts of terrorism against a civilian population.'' He went on to dismiss the severity of 9/11, calling it no more horrible than ''the scourge of the drug trade, the reign of organized crime, and countless acts of rape, child abuse, and murder.''

Mr. Cole has not rejected or fully explained those comments. Until he does so and until the Department ends its refusal to comply with reasonable congressional requests for information, I cannot support the move to consider his nomination. I urge my colleagues to reject cloture today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I assume we are on the nomination of Jim Cole.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, to make a parliamentary inquiry: Am I correct that time runs to 5:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Time has been consumed by this quorum call, and so I ask unanimous consent that any time consumed in further quorum calls be equally divided on both sides.

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

Mr. LEAHY. Mr. President, the majority leader has been required to file cloture in this extraordinary case in an attempt to overcome a Republican filibuster on the nomination of Jim Cole to be Deputy Attorney General. This is a key national security position and the No. 2 position at the Department of Justice. Certainly, with what has happened in the past week or so, it is important for this President or any President to have a full national security team.

I thought back, and I could not remember a time in my 37 years here where the Senate has filibustered a President's nomination to be Deputy Attorney General. I asked Senate Judiciary Committee staff to check that and they found that the Senate has never filibustered a President's nomination to be Deputy Attorney General. In fact, during the time I was chairman of the committee, we quickly moved on President Bush's Deputy Attorneys General, even on those who would not have been my choice. We knew it was a national security position and it is important at a time when we face the threats we do here and abroad that we have that position filled. In fact, I thought it would be unconscionable, whether it was President Bush, President Reagan or any other President, to stall a Deputy Attorney General.

Mr. Cole's nomination to fill this critical national security position was blocked last year, when it was pending on the Senate's Executive Calendar for 155 days after it was reported favorably by the Judiciary Committee. The nomination was reported favorably by the Judiciary Committee again in March, and incredibly, it is again being filibustered. People have asked me how this could be happening. It is hard to believe that one week after the successful operation that killed Osama bin Laden, the world's number one terrorist, we cannot take this step to ensure that President Obama has his full national security team in place. It is similar to ''Alice in Wonderland.''

Now that a measure of justice has been secured for the victims of September 11, I have expressed hope that we could come together, as we did in the weeks and months following September 11. We should be ensuring that we are extra vigilant these days. There are widespread reports that experts are concerned about this being a time in which al-Qaida will seek reprisals. Most Americans believe we should be concerned about them trying to strike back. This is not a time for further delay or obstruction. Let us join together and confirm this qualified nominee. We also ought to show the rest of the world that no matter what our political labels might be, we believe in the President of the United States having his national security team in place.

This weekend, the Washington Post editorial board called this delay ''ridiculous,'' referring to the Deputy Attorney General as ''essentially the chief operating officer of the Justice Department, including its national security operations.'' This delay is ridiculous and dangerous to every single American. I hope other Senators will see it as such and help end it.

We have the opportunity to set aside partisanship and join with our President to keep America safe. I recall in the aftermath of 9/11 we took immediate steps—Republicans and Democrats together—to do what we could to make sure the President's entire law enforcement team was in place.

We expedited the nominations of 14 U.S. attorneys that had been received in the Senate only 1 week before, reporting them from the Judiciary Committee on September 13 and confirming them by voice vote the very next day. Those nominations included the nomination of Paul McNulty to the Eastern District of Virginia, one of the key districts where terrorism defendants like Zacarias Moussaoui, one of the conspirators in the 9/11 attacks, are tried. We continued to expedite nominations in the weeks and months that followed, confirming an additional 58 officials to posts at the Justice Department in those weeks and before the end of 2001.

Republican Senators helped a Republican President to get his security team in place to protect the Nation, but now are not going to help a Democratic President to get his security team in place. It is the same Nation and the security threats are the same against Republican Presidents and Democratic Presidents. We ought to come together as Americans first on this important issue.

Last week at the Judiciary Committee's oversight hearing on the Department of Justice, the Attorney General of the United States reiterated the need for final Senate action on the nomination of the Deputy Attorney General. He urged the Senate to confirm Jim Cole to help the Department fulfill all of its critical tasks, including protecting national security, in a time of heightened concern about retaliatory attacks stemming from Osama bin Laden's death. Yet, rather than take action to end the unnecessary and unexplained delays and finally confirm the nomination of Jim Cole, the unprecedented Republican filibuster continues. This is wrong. It should end.

I hope that Senators on the other side of the aisle will listen to former Deputy Attorneys General of the United States who served in both Republican and Democratic administrations. Last December, they wrote to the leaders of the Senate and urged the Senate to consider Mr. Cole's nomination without delay. These former officials who served with distinction in that post wrote that the Deputy is ''the chief operating officer of the Department of Justice, supervising its day-to-day operations'' and that ''the Deputy is also a key member of the president's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11.'' They were right and their advice rings true today.

As the former Deputies, 3 of whom served under President George W. Bush, noted in their letter, ''Because of the responsibilities of the position of Deputy Attorney General, votes on nomination for this position usually proceed quickly.'' I wish the Senate had heeded their advice and voted to confirm Mr. Cole last year. Now another 5 months have passed.

When we first reported Jim Cole's nomination last July, I said that I hoped the Senate would treat his nomination to this critical national security and law enforcement position with the same urgency and seriousness with which we treated all four of the Deputy

Attorneys General who served under President Bush. All four were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. In fact, we confirmed President Bush's first nomination to be Deputy Attorney General the day it was reported by the committee. That is not the treatment that Deputy Attorney General Cole has received.

The Senate's treatment of the Cole nomination represents a sharp break from the Senate's longstanding practice of deference to the administration and timely consideration of critical national and law enforcement nominations. In their letter last December, the 8 former Deputy Attorneys General noted that, of the 11 nominations to fill this position over the last 20 years from Democratic and Republican Presidents, ''none remained pending for longer than 32 days.'' I remember some of President Bush's nominations to this position remained pending even less than that.

Jim Cole's nomination has been pending on the floor for 222 days combined, nearly seven times longer than any nominee in the last 20 years. In fact, dating back to 1981, 15 of the 16 Deputy Attorney General nominations pending on the Executive Calendar were confirmed unanimously, the only exception being President Obama's first Deputy Attorney General nomination, of David Ogden, which was confirmed 65–28 after cloture was filed and a time agreement was reached. All of the nominees of Presidents Reagan, George H.W. Bush, Clinton and George Bush were confirmed unanimously by the Senate, in an average of less than 2 weeks.

Last December, after the nomination had already been delayed for over 4 months without explanation, I came to the floor and asked unanimous consent that at a time to be determined by the majority and minority leaders, the Senate consent to a time agreement for a debate and a vote on the Cole nomination. I asked that Senators have the courage to step forward, not hide behind the filibuster, and to either vote yes or no on this critical national security position. Republicans objected to that request in December and have still, 5 months later, refused to agree to a time to debate and vote on the nomination. It is time finally for the Senate to vote. The American people expect us to vote. The security of this country is threatened.

Jim Cole's nomination was pending last year for 5 months while Republican Senators objected time and time again to calling it up for a vote. I believe that Mr. Cole would have been confirmed by the Senate had his nomination been given an up-or-down vote. I believe he should be confirmed. As it was, after the Senate did not take final action on the nomination, President Obama exercised his authority after the Senate had recessed for the year to appoint him in order to make sure this critical national security and law enforcement post was filled. The President promptly renominated him when Congress returned this year. Recess appointments have not prevented Republican Senators from voting to confirm nominations by Republican Presidents. Given the history of obstruction of this nomination, it is time for the Senate to vote.

This is not a nomination that should have been controversial. It is a nomination supported by former Republican Senator Jack Danforth, who worked with Jim Cole for more than 15 years. When he introduced Mr. Cole at his confirmation hearing, Senator Danforth described Mr. Cole as someone without an ideological or political agenda. He also wrote to the committee that ''Jim is a 'lawyer's lawyer.' He is exceedingly knowledgeable, especially on matters relating to legal and business ethics, public integrity and compliance with government regulations. He is highly regarded [] as a skillful litigator. As his resume demonstrates, he has a long and deep experience in the Department of Justice.'' I agree.

Jim Cole served as a career prosecutor at the Justice Department for a dozen years and has a well-deserved reputation for fairness, integrity and toughness. He has demonstrated that he understands the issues of crime and national security that are at the center of the Deputy Attorney General's job. Nothing suggests that he will be anything other than a steadfast defender of America's safety.

We have received numerous letters of support for the nomination of Jim Cole to be Deputy Attorney General, including letters from many former Republican public officials. I ask unanimous consent that these three letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Among these is a letter from Michael Toner, former Chief Counsel of the Republican National Committee and former General Counsel to the Bush-Cheney 2000 Campaign, who wrote ''[i]n light of his extensive experience, legal acumen, professionalism and integrity, I can think of no better person than Mr. Cole to serve as Deputy Attorney General.''

Chuck Rosenberg, former Chief of Staff for Deputy Attorney General James Comey, who served under President George W. Bush, wrote, ''I know how important it is for this crucial position to be filled by the right person. Jim is the right person. He is smart, experienced, thoughtful and has the proper skills and temperament to help Attorney General Eric Holder lead the Justice Department.''

In his letter recommending Mr. Cole, Michael J. Madigan, a Republican counsel on many high-level Senate investigations, described Mr. Cole as ''one of those somewhat rare individuals in this city about whom you will never hear even the mildest of criticism.'' He concluded that Mr. Cole ''is a good man and perfectly suited for the challenging position for which the President has wisely nominated him.''

Mr. Cole's critics have been wrong to try to blame him for the actions of AIG. His limited role was as an outside monitor of other corporate functions and there is no evidence showing he did not perform his assignment well. Let us hold those responsible at AIG accountable. Not a single person at AIG has been. There is no basis for making Mr. Cole the scapegoat for the action of AIG. Blame the AIG agents and employees, blame its officers, blame its board, or even criticize the lack of oversight by state and Federal regulators and law enforcement officials if you like. But scapegoating this good man is wrong. As The Washington Post observed in an editorial last year when Mr. Cole's nomination was being blocked on the Senate floor, ''There is no suggestion that Mr. Cole suffers from the kind of ethical or legal problems that would disqualify a nominee.''

There is no justification for the failure to act on this critical national security nomination, and for failing to make sure that the administration has its full national security team in place. During the time when I was chairman we moved very quickly on President Bush's nominees for Deputy Attorney General because of the importance of the security of the United States. It is important for every President to succeed, no matter their party.

I hope that the Senate will reject this destructive and unprecedented filibuster so that we can finally consider and confirm Jim Cole after many months of unnecessary delays. As I said, I could not remember a time in my 37 years here where we had filibustered a nominee to be Deputy Attorney General and that proved to be true.

EXHIBIT 1

BRYAN CAVE,
*Washington, DC, June 7, 2010.*

Hon. PATRICK J. LEAHY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

Hon. JEFF SESSIONS,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR LEAHY AND SENATOR SESSIONS: I write in strong support of Jim Cole's nomination to serve as Deputy Attorney General of the United States.

By way of background, I am a Partner at Bryan Cave LLP in Washington, DC. Prior to joining Bryan Cave, I was Chairman of the Federal Election Commission (FEC) and was a Commissioner on the FEC from 2002–2007. Prior to being appointed to the FEC, I served as Chief Counsel of the Republican National Committee, General Counsel of the Bush-Cheney 2000 Campaign, and General Counsel of the 2000 Bush–Cheney Transition Team.

I have known Jim Cole for approximately 15 years and have had the privilege of being a colleague of Mr. Cole's at Bryan Cave for the last three years. I first met Mr. Cole when he served as Special Counsel for the House Ethics Committee's inquiry concerning Speaker Gingrich and I was an attorney representing Speaker Gingrich in the

matter. Although Mr. Cole and I obviously had conflicting interests in the Gingrich matter, I was tremendously impressed with the thoroughness and professionalism by which Mr. Cole conducted himself in the Gingrich matter, and that has been a hallmark of all of my experiences with Mr. Cole over the last 15 years.

Mr. Cole is superbly qualified to serve as Deputy Attorney General of the United States. Mr. Cole is one of the smartest and most able criminal lawyers in the country, and Mr. Cole's prior service at the Justice Department will be invaluable experience in working with Attorney General Holder in managing and leading the Justice Department. In light of his extensive experience, legal acumen, professionalism and integrity, I can think of no better person that Mr. Cole to serve as Deputy Attorney General.

Jim Cole has my highest recommendation to serve as Deputy Attorney General of the United States and it is an honor to have the opportunity to write on Mr. Cole's behalf. If confirmed, I believe that Mr. Cole would serve the Department of Justice and the country with great distinction in the years ahead.

Sincerely,

MICHAEL E. TONER.

---

PHELPS DUNBAR,
*New Orleans, LA, June 10, 2010.*

Re Nomination of Jim Cole to be next Deputy Attorney General of the United States of America.

Hon. PATRICK J. LEAHY,
*Chairman, Senate Judicial Committee,*
*U.S. Senate, Russell Office Building, Washington, DC.*

DEAR SENATOR LEAHY: I am writing this letter to recommend, without hesitation, Jim Cole to be confirmed as the next Deputy Attorney General in the United States Department of Justice.

As a former United States Attorney in Louisiana, I worked with Jim Cole when he prosecuted a corrupt federal judge. I also have worked with Mr. Cole for more than a decade while he worked in the private sector.

I know Jim Cole to be bright, hard-working, dedicated and beyond reproach. If confirmed by the United States Senate, I believe Jim Cole will be an asset to both the Justice Department and the citizens of the United States. I respectfully ask you to consider my wholehearted support of Jim Cole as the next Deputy Attorney General.

I know that you, and the other members of the Judiciary Committee as well as the Senate, strive for bipartisan cooperation. As a Republican Presidential appointee, I believe it is critical for members of the Justice Department to have bipartisan support and the confidence of the American people regardless of party affiliation. I appreciate your consideration of my views as to the soundness of the nomination of Jim Cole for Deputy Attorney General and would welcome an opportunity to provide you with additional information if you so choose.

Thanking you again for your courtesies and with best regards, I remain,

Sincerely,

HARRY ROSENBERG.

---

ORRICK,
*Washington, DC, June 8, 2010.*

Re James M. Cole, Nominee for Deputy Attorney General.

Hon. PATRICK J. LEAHY,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*
Hon. JEFF SESSIONS,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATORS LEAHY AND SESSIONS: It is my great privilege and honor to add my voice, wholeheartedly, to those supporting the nomination of Jim Cole for the critically important position of Deputy Attorney General of the United States.

I have known Jim for years and he is and has been a truly outstanding lawyer and, most importantly, an even better person. For the last two years I have had the honor of serving with Jim on the ABA–DOJ Dialogue Group where he has been an always thoughtful and important member.

Jim, as you already know, has had an outstanding career both as a federal prosecutor and as a criminal and civil trial lawyer. Indeed, Jim, I dare say, is one of those somewhat rare individuals in this city about whom you will never hear even the mildest of criticism. He is a good man and is perfectly suited for the challenging position for which the President has wisely nominated him.

I am honored to offer unqualified support for Jim's nomination.

Respectfully yours,

MICHAEL J. MADIGAN.

Mr. LEAHY. I see the distinguished Senator from Texas is here, so I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, the distinguished chairman of the Judiciary Committee has pointed out the Deputy Attorney General is a member of the national security team of the President, and the President has already used the authority under the Constitution to make a recess appointment of this nominee. But the question before the Senate today is whether the Senate should confirm the nomination of James Cole to serve as Deputy Attorney General.

There are three reasons why I oppose this nomination. The first is Mr. Cole is one of the earliest and most vociferous advocates of bringing foreign al-Qaida terrorists to American cities for civilian trials—a position since repudiated by the Attorney General himself in the case of Khalid Shaikh Mohammed, and I am grateful for that. But Mr. Cole has never recanted his position that, in effect, these are criminal cases to be prosecuted as ordinary crimes rather than terrorist acts during a time of war.

The problem, of course, with the paradigm of treating terrorism as a criminal case is that we don't punish the terrorists until they have actually been successful in committing a terrorist attack. In war, half the battle—maybe more than half the battle—is trying to stop the terrorist from actually accomplishing his or her goal of killing innocent people. We do that by interrogating detainees and finding out what they know about the organization and plans of terrorist attacks. Mr. Cole, unfortunately, stands by the outdated, outmoded characterization of these terrorist attacks being ordinary crimes. Of course, they are something much worse indeed.

Quite frankly, as Mr. Holder's Deputy, Mr. Cole will only exacerbate the worst tendencies of the Department of Justice when it comes to distinguishing between criminal prosecutions and fighting a war against terrorists. This was, of course, the primary reason why Mr. Cole's nomination was unanimously rejected by Republicans in the Judiciary Committee. The American people want a Department of Justice that is committed to enforcing the law and protecting the innocent, not creating new civil rights for terrorists or treating them as ordinary criminals when they are something else indeed.

In fact, the recent death of Osama bin Laden was a product of a lot of intelligence gathering that occurred over the years. That would never have occurred under Mr. Cole's proposed model of Mirandizing these people when they are arrested; telling them they do not have to provide any information because they are being treated as ordinary criminals rather than as terrorists who are eligible for rough interrogation, if necessary, in order to find out what they know in order to save innocent lives.

Rather than listening to the concerns of Republicans on the Judiciary Committee about Mr. Cole's narrow view of the war on terror and of the views of the American people and perhaps reconsidering this flawed nomination, the President decided to plow ahead and bypass the advise and consent process with a recess appointment. As I said, he, of course, has the right to do so.

There are actually a couple other reasons why I oppose the nomination, and I wish to first express my appreciation to Senator CHAMBLISS and Senator GRASSLEY. Senator CHAMBLISS, of course, is the ranking member of the Senate's Select Committee on Intelligence, and Senator GRASSLEY is the ranking member of the Senate Judiciary Committee. They have continued to demand information from the Department of Justice and have been stonewalled at every turn. Senator CHAMBLISS and his colleagues on the Intelligence Committee have made perfectly reasonable requests consistent with the committee's oversight responsibilities related to the Obama administration's Guantanamo Detainee Review Task Force. Senator GRASSLEY, on the other hand, from his position as the ranking Republican on the Judiciary Committee, on which I serve, has requested documents concerning serious allegations that the Bureau of Alcohol, Tobacco, Firearms and Explosives knowingly allowed straw purchasers to buy firearms which were then provided to criminal drug cartels in Mexico. It has later been reported that at least two of these weapons were found at the scene where a Border Patrol agent named Brian Terry was murdered.

I fully support Senators GRASSLEY and CHAMBLISS and regret that repeated requests for information that were well within the purview of the oversight responsibilities of Congress have been unreasonably rejected. When a minority in the Senate is denied the usual and customary information necessary for us to do our job, we are left

with very few options. One of those options is to force a resolution by exercising our rights as a minority to block cloture. That is not necessarily a permanent move. It means debate continues on the nomination and we cannot come to a vote. But I submit, if rational minds would come together—if Senator GRASSLEY and Senator CHAMBLISS could get the information they and their committees are entitled to and discharge their oversight responsibilities—we could come much closer to resolving the differences on this particular nominee.

Mr. CHAMBLISS. Mr. President, I rise in opposition to cloture on the nomination of James Cole to be the Deputy Attorney General of the United States.

Last December, I objected to further consideration of Mr. Cole's nomination because of the refusal of the Department of Justice, DOJ, to comply with reasonable document requests from the Senate Select Committee on Intelligence. Unfortunately, the President decided to circumvent the Senate and recess-appointed Mr. Cole on December 29, 2010.

Here we are 5 months later: the Justice Department is still thwarting the Intelligence committee's oversight.

The documents we have requested all relate to the Guantanamo Detainee Review Task Force that made recommendations to the Administration on whether to transfer, release, or detain Gitmo detainees. Over 2 years ago, the committee became aware of rising recidivism rates among former Gitmo detainees. At that time, the rate was around 11 percent—it is now above 25 percent. Congress has a unique obligation to the American people to ensure that no more dangerous detainees are released from Gitmo, and that those who have been released do not resume their terrorist ways. Each one of the documents we are seeking is essential to understanding why the task force made certain recommendations about certain detainees, especially those detainees our intelligence professionals judged were too dangerous to transfer.

The detainees remaining at Gitmo are among the worst of the worst, yet many are still designated for transfer. Given the upward trend in recidivism rates, the Intelligence Committee is reasonably concerned that some of the detainees who have been or may be transferred to third countries will reengage in terrorist activities. Lingering questions about the monitoring capabilities of countries that have accepted detainees add to these concerns.

In making its recommendations, the task force operated under guidance and recommendations from the Attorney General. The Department of Justice, however, refuses to provide a September 2009 Attorney General memorandum that reportedly recommends that an entire category of detainees be presumed to be eligible for transfer. If classes of detainees are to be presumed to be eligible for transfer by DOJ, then I think the Intelligence Committee should know about it and why such guidance was considered appropriate.

The Department has also refused to provide the Intelligence committee with the task force's recommendations for the disposition of the detainees. The task force documents we have been given have entire portions of their recommendations blacked out. This is no way to conduct oversight and it certainly puts the committee at a disadvantage in trying to understand why transfer decisions were made. Interestingly, the Department has provided the recommendations made by review boards during the previous administration.

As with the September 2009 memorandum, the Department argues against giving this information to Congress because of ''deliberative process.'' That assertion may work in a FOIA case or in the context of executive privilege, but there is no legal basis for using it to deny congressional oversight, especially where the documents pertain to national security matters. It is time for the Justice Department to abandon this baseless argument and give us the documents.

The Intelligence committee is also waiting for a list of the 92 detainees who were approved for transfer as of August 28, 2009, prior to the application of the September 2009 memorandum. The Department indicated in November 2010 that the list would be provided, but the committee has yet to receive it.

Last Friday, we heard from the Department for the first time in months, wanting to work something out on the documents in advance of the cloture vote on the Cole nomination. This is a bit ironic, considering that letters and e-mails from last year have gone unanswered. The best thing they can do now is to honor our request and give us the documents that we have requested.

The Department's obstruction of a congressional review is not the only reason I am opposing cloture. Mr. Cole still has not explained comments he made about the 9/11 attacks. In September 2002, he wrote an op-ed in which he called these attacks ''criminal acts of terrorism against a civilian population.'' Following this logic, he diminished 9/11 to being no more than ''the scourge of the drug trade, the reign of organized crime, and countless acts of rape, child abuse, and murder.'' He also argued that the protections of our criminal justice system ''must be applied to everyone to be effective.'' I could not disagree more with this statement—no terrorist deserves the benefits of our criminal justice system.

Mr. Cole has neither rejected these comments, nor really explained why he made them. Until he does so, I have to question his judgment and his suitability to be the second-in-command at the Justice Department.

It is for these reasons, I cannot support cloture on the nomination of Mr. Cole at this time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General.

Harry Reid, Patrick J. Leahy, Herb Kohl, Dianne Feinstein, Al Franken, Christopher A. Coons, Richard Blumenthal, Amy Klobuchar, Sheldon Whitehouse, Sherrod Brown, Mark Udall, Richard J. Durbin, Thomas R. Carper, Bernard Sanders, John D. Rockefeller IV, Jeanne Shaheen, Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay.''

The yeas and nays resulted—yeas 50, nays 40, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—50

| | | |
|---|---|---|
| Akaka | Cantwell | Feinstein |
| Baucus | Cardin | Franken |
| Begich | Carper | Gillibrand |
| Bennet | Casey | Hagan |
| Bingaman | Conrad | Harkin |
| Blumenthal | Coons | Inouye |
| Brown (OH) | Durbin | Johnson (SD) |

Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Manchin
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Rockefeller
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NAYS—40

Alexander
Ayotte
Blunt
Boozman
Brown (MA)
Burr
Chambliss
Coats
Coburn
Cochran
Collins
Corker
Cornyn
Crapo
DeMint
Enzi
Grassley
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kirk
Kyl
Lee
McConnell
Murkowski
Paul
Portman
Reid
Risch
Roberts
Rubio
Sessions
Shelby
Snowe
Thune
Wicker

NOT VOTING—10

Barrasso
Boxer
Graham
Hatch
Landrieu
McCain
Moran
Sanders
Toomey
Vitter

The PRESIDING OFFICER (Mr. MANCHIN). On this vote, the yeas are 50, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was rejected.

The PRESIDING OFFICER. The motion is entered.

## LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only with Senators permitted to speak for up to 10 minutes each.

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

## TRIBUTE TO ALICE SAUDARGAS

Mr. DURBIN. Mr. President, I rise today to honor an outstanding Illinoisan, Alice Saudargas, and to thank her for her many years of service as she ends her term on the Rockford School Board.

Alice Saudargas is a remarkable public servant. She has dedicated her life to working with high-poverty schools and troubled children. Alice and her late husband Alex spent more than 70 years educating students in Rockford, and as she recently said ''we loved every minute of it.''

Alice Christine Nesheim was born in 1916 in northern Illinois to Norwegian immigrants. She graduated first in her high school class and was the first in her family to attend college. She graduated with a degree from DeKalb State Teachers College, which is now Northern Illinois University. While there, she met her husband Alex Saudargas and they moved to Rockford to start a family.

Alice raised ten children and supported Alex as he led the basketball team at West High School to two legendary state championships in 1955 and 1956. In those days, Alice could always be seen at West's basketball games, cheering on the team.

But Alice wanted to have a personal impact on the lives of Rockford's neediest students. She went back to school and earned her master's degree in education from Northern Illinois University. Alice worked as a special education teacher and eventually became a principal of Elmwood Center, a school for emotionally disturbed children. The students there called her ''Big Mamma'' and they always appreciated the love, support, and care she showed them.

Alice retired from the school district in 1986 at the age of 70, but she didn't slow down or lose her passion for education. She led committees to help make the Rockford schools more inclusive of all children and to maintain the legacy of West High School. At the age of 84, Alice was appointed to complete a term on the Rockford School Board. She was subsequently elected in her own right and served on the board for 11 years. Her last day as a Rockford School Board member was April 26.

Alice is supported in all her endeavors by her 9 surviving children, 16 grandchildren, and 14 great-grandchildren as well as the hundreds of students she has supported and mentored throughout her long career. She has touched the lives of countless individuals in my state. She is renowned for her commitment to Rockford's neediest children, her strong spirit, and of course her trademark laugh.

Although Alice's time on the Rockford School Board has come to an end, I know that this won't be the end of her service or commitment to the community. I understand that she plans to write a book about her life and work. That will be quite a story.

I thank Alice for her lifelong efforts to improve the lives of others in and around Rockford. I wish her all the best.

## TRIBUTE TO JODY HERNANDEZ

Mr. MCCONNELL. Mr. President, in the midst of all our other business, I would like to just pause and take a moment to recognize the outstanding work of Jody Hernandez, who left us yesterday after 16 years of dedicated Senate service. Jody came to Washington, by way of San Antonio, after graduating from Vanderbilt University. Over the years, she has lent her talents to the Republican Policy Committee, the Budget Committee, and with Senator Don Nickles on and off the Hill. David Schiappa convinced her to come back to the Senate in 2005, and she has been an indispensable part of the Senate floor team ever since. Whenever any of us had a question, she had the answer. She has been a friendly and welcoming presence in the cloakroom, regardless of how long her day was. She has been a tremendous help to every one of us. And we will all miss her. But we are all delighted that she has found her partner in life, and we wish her and her new husband, LCDR Glenn Wright, U.S. Navy, many years of happiness and every success as they begin their life together. Jody and Glenn met on a church trip to Israel in October and recently tied the knot. So I am sure many adventures lie ahead. We thank her for her good cheer, her professionalism, and her service.

## RECOGNIZING THE ALLY FOUNDATION

Mr. BROWN of Massachusetts. Mr. President, I rise today to honor The ALLY Foundation, an inspirational organization in Massachusetts. In the summer of 2002, a young woman named Alexandra ''Ally'' Zapp walked into a fast food restaurant's restroom in Massachusetts and was brutally murdered.

Soon after Ally's death, her parents learned that the man who killed Ally was not just an employee of the restaurant but an extremely dangerous sexual predator with 24 previous criminal convictions, including rape and kidnapping.

Ally's mother, Andrea Casanova, and stepfather, Steven Stiles, turned their anger to resolve and their sadness to hope and founded The ALLY Foundation. The ALLY Foundation is dedicated to changing the way our society deals with sexual predators and educating policymakers, employers, and the general public on sexual violence. Their work initially involved learning all they could about sexual violence, poring over research, attending conferences, and interviewing dozens of experts. Andrea soon became an expert herself and a compelling presence at sex offender management conferences.

Andrea and Steve's tireless research confirms that current criminal statutes and incarceration guidelines as they pertain to sexual violence often go unenforced and are at best inconsistent. There are an estimated 600,000 sex offenders in the country and authorities have not accounted for as many as 100,000 offenders.

The ALLY Foundation does more than merely raise awareness of a problem; they're helping to solve it. Within 2 years of Ally's murder, The ALLY Foundation had already made a significant impact on public policy, including helping to pass Massachusetts's sexually dangerous commitment law—known as the Ally Zapp Law—to keep sex offenders predators off the street after they complete their criminal sentence.

Ally's tragic death and countless other attacks were the result of a legal

system largely unequipped to handle the unique dynamics of sexual predation. Ally's killer should never have been free, let alone work around the general public.

In less than a decade, The ALLY Foundation has had a profound impact on public policy. It is impossible to know how many lives have been saved or how many were spared the physical and emotional scars of sexual abuse and violence. But the fact remains that thanks to The ALLY Foundation, public officials and employers are far better educated and equipped to enact laws and adjust policies to reflect the unique nature of sexual violence. I commend Andrea and Steve for all they do.

## ROONEY NOMINATION

Mr. WYDEN. Mr. President, in March, I was compelled to place a hold on the nomination of Jo Ann Rooney to be Principal Deputy Under Secretary of Defense for Personnel and Readiness, when I was not satisfied that the military had properly investigated the mistreatment of some members of the Oregon National Guard who were demobilizing at Joint Base Lewis-McChord, JBLM.

I am pleased to say that today I am lifting that hold.

I have had meetings and exchanged letters with Secretary of the Army John McHugh, Army Vice Chief of Staff General Peter Chiarelli, Major General Philip Volpe, Jo Ann Rooney, and Dr. Clifford Stanley, who will be Dr. Rooney's supervisor if she is confirmed. I have also received several documents related to the investigations, and written answers to more than 60 questions about the investigations.

I am satisfied that the actions taken by the Army put them on the right path to ensuring that future National Guard soldiers receive all of the care and benefits to which they are entitled.

I will continue to closely monitor the implementation of the changes the Army is making. However, I believe that Dr. Rooney would, if confirmed, work to ensure that all servicemembers get appropriate medical care, and improve the demobilization process.

I would urge the Senate to quickly and positively act on Dr. Rooney's nomination.

# ADDITIONAL STATEMENTS

## TRIBUTE TO THOMAS J. PAMPERIN

• Mr. AKAKA. Mr. President, I would like to take a moment today to recognize the long and distinguished career of Mr. Thomas J. Pamperin of the Department of Veterans Affairs, VA. After nearly four decades of public service, beginning with the U.S. Army and now as the VA's Deputy Under Secretary for Disability Assistance, Tom is retiring. From his days as a VA claims examiner in Milwaukee to his present leadership position, he has ably served our Nation's veterans.

Tom has earned an excellent reputation with Members of Congress and their staff, especially with that of the Senate Committee on Veterans' Affairs, of which I was proud to serve as chairman during the 109th and 110th Congresses. He also receives high praise from leaders of veterans service organizations, the Department of Defense, the Social Security Administration, and the Department of Justice. He has represented the VA with distinction before the Congress, other Federal agencies, and foreign delegations.

During my chairmanship of the Veterans' Affairs Committee, Tom was the ''go to person'' for matters of critical importance to veterans, especially those seeking compensation for their war wounds. When time was of the essence, he cut through the red tape and personally saw to it that the veteran got the benefits that were due. More broadly, he has led efforts to improve the delivery of benefits to all veterans, including initiatives to ease the burden of proof for those suffering from post-traumatic stress disorder, to enable veterans to begin the claims process before discharge from military service, to better coordinate the delivery of military and VA benefits, and to automate claims for higher education benefits under the new G.I. bill.

In particular, I thank Tom for the work he did in improving VA's evaluation of and ratings for veterans with traumatic brain injuries, TBI. Soon after becoming chairman of the Veterans' Affairs Committee, I asked former VA Under Secretary for Benefits, Daniel L. Cooper, about limitations on TBI ratings to 10 percent ''and no more.'' Tom played a significant role in VA's response: He developed temporary guidance so that VA could promptly address cases where the limitation should not be applied and developed final regulations to ensure more appropriate ratings in subsequent claims. Tom's actions had an immediate and sustained impact on the lives of veterans who were injured in Iraq and Afghanistan.

Nearly 40 years of service to the Nation demonstrates a commitment to public service matched by few. Tom has worked tirelessly to ensure that veterans receive the benefits that they deserve, a goal that has become ever more challenging with increases in the number of servicemembers returning from the conflicts in Iraq and Afghanistan who have serious injuries, the demand for G.I. bill benefits, and the number of compensable illnesses. Over the course of his career, Tom has devoted himself to delivering on the Nation's promise to care for the veteran and his widow. I applaud his dedication, hard work, and countless achievements, and I ask my colleagues to join me in thanking him for his many years of service to the country and to the many veterans whose lives he has improved in such crucial ways. His record is an example of public service at its best, and I deeply appreciate his long commitment to those who have worn the nation's uniform. I wish him all the best in his future endeavors and know that all of us who have counted on him over the years will miss him.•

## WORLD WAR II HEROES FLIGHT

• Mr. CORNYN. Mr. President, today I wish to acknowledge and honor a very special group of veterans. In appreciation for their selfless service to our country, Brookshire's Grocery Store and Super 1 Foods have sponsored a World War II Heroes Flight that has brought 33 World War II veterans to Washington, DC, free of charge.

I want to take a moment to thank these brave veterans visiting our Nation's Capital, including six that are from Texas: John Connolly, Longview, TX; Gene Germaine, Longview, TX; Glen Kernohan, Longview, TX; Hugh Neeld, Jacksonville, TX; Dale Whitton, Tyler, TX; and Jim David Woolverton, Tyler, TX.

During this trip, these veterans will tour Arlington National cemetery, the Iwo Jima Memorial, the World War II Memorial, the United States Capitol, and other sites. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service and sacrifice.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.•

## TRIBUTE TO REV. ROBERT A. WILD, S.J.

• Mr. KOHL. Mr. President, I wish to honor Reverend Robert A. Wild, S.J., president of Marquette University in Milwaukee. Father Wild began his duties as president of Marquette University on June 17, 1996, with a pledge that he would ''spare no effort in keeping Marquette on a strong and clear path into the future.'' As he enters retirement on July 31, 2011, it is my belief that my friend has not strayed from his pledge.

As a Catholic, Jesuit institution, Marquette promotes an academically rigorous, values-centered curriculum. Throughout his presidency, Father Wild has encouraged the practical preparation of students for work in an increasingly complex and diverse world, advocating for the formation of individuals as ethical and informed leaders in their religious, cultural, professional, and civic communities. Through this work, Father Wild has demonstrated a deep care and understanding of the development of young people.

Early in his career as president, Father Wild oversaw the rewriting of Marquette's mission statement in an effort to clearly define what all people,

young and old, should strive toward on a daily basis. The mission statement was reorganized under the key values of excellence, faith, leadership and service. These values have permeated all aspects of Father Wild's tenure as he has constantly inspired the Marquette community in the fostering of personal and professional excellence, the promotion of a life of faith, and the development of leadership expressed in service to others.

Father Wild has boldly committed Marquette to making higher education accessible to all students, regardless of financial means. To accomplish this, Marquette became the first university in the country to partner with the Boys & Girls Clubs of America to offer full-tuition scholarships. This program and others have helped many first-generation students attend college, so much so that 20 percent of Marquette's students are the first in their families to attend college.

The more than 36,000 students who have received a Marquette degree under Father Wild's tenure have had the advantage of learning from renowned faculty members who work to advance knowledge and improve the world around them. Over Father Wild's career, faculty members and students have seen a 130-percent increase in total research and sponsored project dollars.

Beyond research and academics, Father Wild has placed an emphasis on community interaction that has made Marquette a focal point for discussion of the region's most important and complex societal issues. Thanks to these interactions, Marquette's presence in southeast Wisconsin is stronger than ever before. Father Wild has expanded the university's outreach through service and faculty research, and currently more than 85 percent of Marquette students serve their community.

The physical growth of the Marquette campus is one of the most obvious indicators of Father Wild's commitment to the university. Father Wild oversaw the financing, construction and completion of a new facility for the Marquette University School of Dentistry, training the State's future dentists and promoting oral health through outreach programs that target underserved patients in six clinical sites throughout the State, making Marquette one of the largest Medicaid providers in the State. All of this growth has been fueled by unprecedented fundraising led by Father Wild.

In addition to promoting academics and service, Father Wild was strategic in helping Marquette enter the Big East Athletic Conference in 2005. In 6 short years, the school has enjoyed success in many of its athletic programs, most prominently a Sweet 16 run in the 2011 NCAA Men's Basketball Tournament.

I offer my gratitude and sincerest thanks to my friend Father Wild on his retirement from Marquette University. His presidency, based in the values of excellence, faith, leadership and service, has inspired countless individuals not only in the Marquette community but in Milwaukee and throughout Wisconsin that will be felt for years to come.●

## HOOSIER ESSAY CONTEST WINNERS

● Mr. LUGAR. Mr. President, I wish today to take the opportunity to express my congratulations to the winners of the 2010–2011 Dick Lugar/Indiana Farm Bureau/Indiana Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for 8th grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. The theme chosen for this year was ''Agriculture: Then and Now.''

Along with my friends at the Indiana Farm Bureau and Indiana Farm Bureau Insurance Companies, I am pleased with the annual response to this contest and the quality of the essays received over the years. I applaud each of this year's participants on their thoughtful work and wish, especially, to highlight the submissions of the 2010–2011 contest winners Alexis J. Carmony of Falmouth, Indiana, and Collin Bowlin of Jasper, Indiana. I submit for the RECORD the complete text of Alexis's and Collin's respective essays. I am pleased, also, to include the names of the many district and county winners of the contest.

The essays and winners follow.

### AGRICULTURE: THEN AND NOW

(By Alexis J. Carmony)

Indiana agriculture is important to me because of the basic values it instills in my life. Agriculture is about hard work, appreciation for life and living things, the importance of our soil and water conservation, perseverance, ability to overcome hardships, and being creative in dealing with factors beyond man's control.

Indiana agriculture has an amazing responsibility. Years ago, Indiana farmers were proud to feed their families from the farm; today Indiana farmers are proud to feed the world from their farms. The heart of Indiana agriculture has not changed from decades ago. Past generations had to physically work hard to produce their product, whereas the present generations have to work as hard for the skill it takes to market their product.

From the time I went with my great grandfather to feed his cattle and sensed his love for those animals, I was hooked on agriculture. Even when those animals did not cooperate, grandpa still loved them. He has cared for livestock for years, and he enjoys it today as he did years ago. My great grandfather continues to be active in Indiana agriculture today and models what agriculture is all about: hard work, appreciation for livestock and plants, and good stewardship of our earth.

In closing, I will leave you with a quote from William Jennings Bryan, ''American Politician and Orator''; 1860–1925, that summarizes my thoughts on Indiana agriculture. ''Burn down your cities and leave our farms, and your cities will spring up again by magic; but destroy our farms and the grass will grow in the streets of every city in the country.'' I believe agriculture was the foundation of our country then and still is today.

### AGRICULTURE: THEN AND NOW

(By Collin Bowlin)

Slowly standing up from the seat of his Case-IH tractor in which he has been sitting for the past two hours, he wears a smile that turns into a grimace until the shooting pain eases and his knee pops back into place. The pain in his knee is the result of the many years of hard work he has put into farming this land. Steadily stepping down from the tractor, he points to where he stopped making the windrows of hay and now I climb onto the tractor. It is my turn to take over, where he left off.

He has made his livelihood from farming these rolling hills in southern Indiana, growing crops of corn, soybeans, and hay, and raising livestock which include beef cattle, swine, and poultry. He is my grandfather. He has instilled in me to take good care of these blessings, land and livestock. As a young boy, Grandpa worked the land with a team of horses. Now we have horsepower to more efficiently produce the food that people rely upon every day. After his eighth grade year in school, Grandpa had no choice but to end his schooling early in order to help out on his family's farm. As an eighth grade student today, I have many choices, and I know I will attend college in the future.

My love for raising, showing, and judging beef cattle and pigs has given me many opportunities. Agriculture will always play a huge role in my life. I am proud to be one voice supporting the agricultural industry which provides food, fiber, and fuel to the world. The economic and environmental issues facing farmers today need to be addressed by knowledgeable people. So now, it is my turn to take over, where Grandpa left off.

### 2010–2011 DISTRICT ESSAY WINNERS

DISTRICT 1

Gabrielle Carlson, Quinn McGovern.

DISTRICT 2

Katie Lopshire, William Joseph Rockey.

DISTRICT 3

Shelbi Perry, Dakota Burghardt.

DISTRICT 4

Rachel Girod, Nathan Chou.

DISTRICT 5

Shane Slaven, Kiersten Mundy.

DISTRICT 6

Katie Pfaff, Max Keller.

DISTRICT 7

Easton Booe, Whitney Halfhill.

DISTRICT 8

Josh Orschell, Alexis J. Carmony.

DISTRICT 9

Anna Hagedorn, Collin Bowlin.

DISTRICT 10

Amber Moore, Clayton Pottschmidt.

### 2010–2011 COUNTY ESSAY WINNERS

ADAMS

Eli Hill, Adams Central Middle School; Rachel Girod, Bellmont Middle School.

ALLEN

Robert Ottenweller and Aubrey Fespel, Saint Joseph Hessen Cassel School.

BARTHOLOMEW

Mark Buffo and Meredith Dickerson, Central Middle School.

CLARK

David Elias Book, Borden Junior-Senior High School.

CLAY

Easton Booe, Clay City Junior-Senior High School; Whitney Halfhill, North Clay Middle School.

DEARBORN

Matthew Bourquein, Sunman-Dearborn Middle School.

DECATUR

Byron Haley and Sarah Gilley, South Decatur Junior-Senior High School.

DELAWARE

Joseph Dorton and Chelsie Taylor, Delta Middle School.

DUBOIS

Collin Bowlin, Jasper Middle School; Anna Hagedorn, Forest Park Junior-Senior High School.

ELKHART

Doris Mullett, Clinton Central Junior-Senior High School.

FLOYD

Ryan Didat and Erin Embrey, Our Lady of Perpetual Help School.

FRANKLIN

Josh Orschell, St. Michael School; Ella Knight, Mount Carmel School.

GREENE

Drew Witty and Aubri Lehman, Linton-Stockton Junior High School.

HAMILTON

Matthew Hodges and Paige Bousamra, Carmel Middle School.

HENRY

Jake Wicker and Katie Pfaff, Tri Junior-Senior High School.

HOWARD

Nathan Chou and Ava McClure, Northwestern Middle School.

JACKSON

Clayton Pottschmidt, Immanuel Lutheran School; Jaylyn Quade, St. John's Lutheran School.

JASPER

Sydney Dobson and Austin Fleming, Rensselaer Central Middle School.

JAY

Brandon Muhlenkamp and Catherine Dunn, East Jay Middle School.

JEFFERSON

Kaitlyn Boehm, Shawe Memorial Junior-Senior High School.

LAKE

William Barney and Teresa Vazquez, Our Lady of Grace School.

LAWRENCE

Anna Hawkins, St. Vincent de Paul Catholic School.

MARION

Max Keller, Immaculate Heart of Mary School; Emma Moore, Creston Middle School.

NOBLE

William Joseph Rockey and Rachel Flory, Central Noble Middle School.

ORANGE

Andrew Hawkins, Orleans Junior-Senior High School; Keisha Levi, Paoli Junior-Senior High School.

PARKE

Shane Slaven and Molly Jones, Rockville Junior-Senior High School.

PORTER

William Alex Sanders, Kouts Middle School; Gabrielle Carlson, Victory Christian Academy.

PULASKI

Quinn McGovern, Winamac Middle School.

PUTNAM

Troy Davis and Kiersten Mundy, Cloverdale Middle School.

RIPLEY

Liam Tuveson and Brooke Siefert, Saint Louis Catholic School.

RUSH

Austin Rogers and Sarah Innis, Benjamin Rush Middle School.

SCOTT

Sarah Grace Hamelman, Scottsburg Middle School.

ST. JOSEPH

Nicholas Kuyers and Adeline Jongsma, Covenant Christian School.

STEUBEN

Sam Wilcox and Katie Lopshire, Angola Middle School.

SWITZERLAND

Riley Phagan and Amber Moore, Switzerland County Middle School.

VANDERBURGH

Cooper Pratt, Plaza Park Middle School; Megan O'Leary, Good Shepherd School.

VERMILLION

David Craft and Bethany Lewis, North Vermillion Junior-Senior High School.

WABASH

Devin Tracy and Jensen Zumbaugh, Northfield Junior-Senior High School.

WARREN

Curitis White and Maddie Rhea, Seeger Memorial Junior-Senior High School.

WAYNE

Evan Liggett and Michaela Castleman, Centerville Junior High School.

WHITE

Dakota Burghardt and Shelbi Perry, Frontier Junior High School.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 2:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 5, 2011, the Speaker appointed the following Member of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. PASTOR of Arizona.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3. An act to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1512. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's 2011 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1513. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the current and future military strategy of Iran (DCN OSS 2011–0754); to the Committee on Armed Services.

EC–1514. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–008, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–1515. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, a report relative to nuclear weapons (DCN OSS 2011–0746); to the Committee on Armed Services.

EC–1516. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled ''Report on Activities and Programs for Countering Proliferation and NBC Terrorism'' (DCN OSS 2011–0758); to the Committee on Armed Services.

EC–1517. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Joint Improvised Explosive Device Defeat Organization's Third Quarter Report for Calendar Year 2010 (DCN OSS Control 2011–2137); to the Committee on Armed Services.

EC–1518. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–009, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–1519. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Guidance on Personal Services'' ((RIN0750–AG72) (DFARS Case 2009–D028)) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Armed Services.

EC–1520. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Electronic Ordering Procedures'' ((RIN0750–AH20) (DFARS Case 2009–

D037)) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Armed Services.

EC–1521. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the activities of the Western Hemisphere Institute for Security Cooperation; to the Committee on Armed Services.

EC–1522. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting a report relative to additional Reserve component equipment procurement and military construction; to the Committee on Armed Services.

EC–1523. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC–1524. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC–1525. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Wassenaar Arrangement 2010 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Parts I and II, 6, 7, 8, and 9 of the Commerce Control List, Definitions, Reports'' (RIN0694–AF11) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1526. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Connecticut: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision'' (FRL No. 9286–4) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Environment and Public Works.

EC–1527. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Multi-walled Carbon Nanotubes; Significant New Use Rule'' (FRL No. 8865–4) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Environment and Public Works.

EC–1528. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District (ICAPCD)'' (FRL No. 9292–4) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Environment and Public Works.

EC–1529. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9292–7) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Environment and Public Works.

EC–1530. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wisconsin: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 9293–9) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Environment and Public Works.

EC–1531. A communication from the Director of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator for Water, received in the Office of the President of the Senate on May 4, 2011; to the Committee on Environment and Public Works.

EC–1532. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Nuclear Power Plant Stimulation Facilities for Use in Operator Training, License Examinations, and Applicant Experience Requirements'' (Regulatory Guide 1.149, Revision 4) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Environment and Public Works.

EC–1533. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program: Hospital Inpatient Value-Based Purchasing Program'' (RIN0938-AQ55) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Finance.

EC–1534. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Changes Affecting Hospital and Critical Access Hospital Conditions of Participation: Telemedicine Credentialing and Privileging'' (RIN0938-AQ05) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Finance.

EC–1535. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System—Update for Rate Year Beginning July 1, 2011 (RY2012)'' (RIN0938-AQ23) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Finance.

EC–1536. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 118 Clean Coal'' (Rev. Proc. 2011–30) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Finance.

EC–1537. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC–1538. A communication from the Acting Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, the 2010 annual report on voting practices in the United Nations; to the Committee on Foreign Relations.

EC–1539. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0053—2011–0067); to the Committee on Foreign Relations.

EC–1540. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–1541. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General at the Corporation for National and Community Service; to the Committee on Health, Education, Labor, and Pensions.

EC–1542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–53 ''District of Columbia Board of Elections and Ethics Primary Date Alteration Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–54 ''Third and H Streets, N.E. Economic Development Technical Clarification Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–55 ''Real Property Tax Appeals Commission Establishment Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1545. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–56 ''Clean and Affordable Energy Fiscal Year 2011 Fund Balance Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1546. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–57 ''Not-for-Profit Hospital Corporation Board Chairperson Designation Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1547. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–58 ''Allen Chapel A.M.E. Senior Residential Rental Project Property Tax Exemption Clarification Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1548. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1549. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to Remove Obsolete References to Non-automated Carriers from Electronic Cargo Manifest Regulations and to Update Terminology'' (CBP Dec. 11–10) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1550. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the

Alabama Advisory Committee; to the Committee on the Judiciary.

EC–1551. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Illinois Advisory Committee; to the Committee on the Judiciary.

EC–1552. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Minnesota Advisory Committee; to the Committee on the Judiciary.

EC–1553. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on the Judiciary.

EC–1554. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC–1555. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled ''Report to the Congress on the Refugee Resettlement Program''; to the Committee on the Judiciary.

EC–1556. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance and physical searches during calendar year 2010; to the Committee on the Judiciary.

EC–1557. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on the Department's activities during calendar years 2008 and 2009 relative to prison rape abatement; to the Committee on the Judiciary.

EC–1558. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2010–2011 amendment cycle; to the Committee on the Judiciary.

EC–1559. A communication from the Clerk, United States Court of Appeal, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit; to the Committee on the Judiciary.

EC–1560. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Intermediary Lending Pilot Program'' (RIN3245-AG18) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Small Business and Entrepreneurship.

EC–1561. A communication from the Associate Administrator, Office of Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, an annual 408 Report on the 8(a) Business Development Program; to the Committee on Small Business and Entrepreneurship.

EC–1562. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Second Quarter of Fiscal Year 2011''; to the Committee on Veterans' Affairs.

EC–1563. A communication from the Director of the Regulations Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Caregivers Program'' (RIN2900-AN94) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 498. A bill to ensure objective, independent review of task and delivery orders (Rept. No. 112–16).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General.

Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Virginia A. Seitz, of the District of Columbia, to be an Assistant Attorney General.

Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 910. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service Department of Veterans Affairs medical center in the State or receive comparable services provided by contract in the State, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 911. A bill to establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER:

S. 912. A bill to prevent foreign states that do business, issue securities, or borrow money in the United States, and fail to satisfy United States court judgments totaling $100,000,000 or more based on such activities, from inflicting further economic injuries in the United States, from undermining the integrity of United States courts, and from discouraging responsible lending to poor and developing nations by undermining the secondary and primary markets for sovereign debt; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 913. A bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH (for himself, Mr. GRASSLEY, and Mr. TESTER):

S. 914. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 915. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Finance.

By Mr. BINGAMAN:

S. 916. A bill to facilitate appropriate oil and gas development on Federal land and waters, to limit dependence of the United States on foreign sources of oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 917. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 918. A bill to direct the Secretary of Transportation to carry out programs and activities to improve highway safety; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself and Mrs. GILLIBRAND):

S. 919. A bill to authorize grant programs to ensure successful, safe, and healthy students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself, Ms. STABENOW, and Mrs. MCCASKILL):

S. 920. A bill to create clean energy jobs and set efficiency standards for small-duct high-velocity air conditioning and heat pump systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. KYL, and Mr. KIRK):

S. 921. A bill to allow otherwise eligible Israeli nationals to receive E–2 nonimmigrant visas if similarly situated United States nationals are eligible for similar nonimmigrant status in Israel; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 922. A bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Ms. AYOTTE, Mr. KYL, and Mr. INHOFE):

S. 923. A bill to withhold United States contributions to the United Nations until the United Nations formally retracts the final report of the ''United Nations Fact Finding Mission on the Gaza Conflict''; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. 924. A bill to amend the Internal Revenue Code of 1986 to provide commuter flexible spending arrangements, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 925. A bill to designate Mt. Andrea Lawrence; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. CARDIN):

S. 926. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the

outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. THUNE):

S. Res. 173. A resolution designating the week of May 1 through May 7 , 2011, as ''National Physical Education and Sport Week''; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. Res. 174. A resolution expressing the sense of the Senate that effective sharing of passenger information from inbound international flight manifests is a crucial component of our national security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement between the United States and the European Union; to the Committee on Homeland Security and Governmental Affairs.

## ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 390

At the request of Mr. WEBB, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 390, a bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged.

S. 394

At the request of Mr. KOHL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 426

At the request of Mr. SANDERS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 426, a bill to strengthen student achievement and graduation rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children and youth.

S. 465

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 465, a bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, and their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes.

S. 481

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 489

At the request of Mr. REED, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 496

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 501

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 506

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 534

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 542

At the request of Mr. BEGICH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 576

At the request of Mr. HARKIN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 625

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 625, a bill to amend title 23, United States Code, to incorporate regional transportation planning organizations into statewide transportation planning, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 668

At the request of Mr. CORNYN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 720

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was withdrawn as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 730

At the request of Ms. MURKOWSKI, the names of the Senator from Hawaii (Mr.

AKAKA) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 730, a bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 740

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 781

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 781, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 807

At the request of Mr. ENZI, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 838

At the request of Mr. TESTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 853

At the request of Mrs. HAGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 853, a bill to provide for financial literacy education.

S. 868

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. 877

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 877, a bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law.

S. 878

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 878, a bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act.

S. 883

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 883, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 896

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 896, a bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 150

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 172

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as ''National Cancer Research Month''.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 910. A bill to amend title 38, United States Code, to ensure that veterans in each of the 48 contiguous States are able to receive services in at least one full-service Department of Veterans Affairs medical center in the State or receive comparable services provided by contract in the State, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. SHAHEEN. Mr. President, today I am introducing the Veterans Health Equity Act of 2011. This bill would require the Department of Veterans Affairs to ensure that every State has either a full-service veterans hospital or, in the alternative, that veterans in every State have access to comparable in-state hospital care and medical services. I am pleased that my colleague from New Hampshire, Senator AYOTTE, has agreed to be an original cosponsor of this measure.

New Hampshire is currently the only State that does not have either a full-service veterans medical center or a military hospital providing comparable services to veterans. While the staff of the Manchester VA Medical Center does an excellent job of caring for our State's veterans, this facility does not provide inpatient surgical care, emergency services or care in a number of critical specialties. This imposes a great burden on many New Hampshire veterans who are forced to travel out of state for a range of medical services.

New Hampshire has over 130,000 veterans and this number continues to grow as our troops return from major deployments in the Middle East. It is unconscionable that our veterans must board shuttles to larger VA facilities in Massachusetts or Vermont to get the medical care they have been promised in exchange for their service. Often, especially during the winter months, travel is difficult in New England, and our veterans should not be forced to drive long distances in order to receive the medical care they have earned and deserve.

Our goal is to ensure that New Hampshire veterans get the care they need as close to home as possible. This legislation provides the Department of Veterans Affairs with the flexibility to achieve this end in the most cost-effective manner. If it is not feasible for the VA to construct a new full-service hospital in New Hampshire or to provide the full panoply of hospital services at its existing medical center in Manchester, the legislation simply requires the VA to contract with other health providers to offer comparable in-state care.

I introduced similar legislation in the 111th Congress with our former colleague, Senator Judd Gregg. Since that time, the VA has established an effective contractual relationship with one hospital in New Hampshire, Concord Hospital, to expand in-state care for our veterans. I believe this type of partnership could be readily expanded. I have begun working with officials at the Department of Veterans Affairs to

find innovative ways to enhance public-private health care partnerships in New Hampshire and look forward to furthering that dialogue.

Our veterans deserve access to first-rate medical care, regardless of where they live. There are full-service veterans hospitals in 47 States and veterans in Alaska and Hawaii are able to receive care at military hospitals. New Hampshire alone has neither. I am hopeful that my colleagues will recognize this inequity and support this effort to provide New Hampshire veterans with the same access to quality local health care that veterans in every other State enjoy.

I look forward to working with the entire New Hampshire congressional delegation, with my Senate colleagues and with the Obama administration to end this injustice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 910

*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 ''Veterans Health Equity Act of 2011''.

**SEC. 2. AVAILABILITY OF FULL-SERVICE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS IN CERTAIN STATES OR PROVISION OF COMPARABLE SERVICES THROUGH CONTRACT WITH OTHER HEALTH CARE PROVIDERS IN THE STATE.**

(a) IN GENERAL.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1706 the following new section:

**''§ 1706A. Management of health care: access to full-service Department medical centers in certain States or comparable services through contract**

''(a) REQUIREMENT.—With respect to each of the 48 contiguous States, the Secretary shall ensure that veterans in the State eligible for hospital care and medical services under section 1710 of this title have access—

''(1) to at least one full-service Department medical center in the State; or

''(2) to hospital care and medical services comparable to the services typically provided by full-service Department medical centers through contract with other health care providers in the State.

''(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit the ability of the Secretary to provide enhanced care to an eligible veteran who resides in one State in a Department medical center in another State.

''(c) LIMITATION ON REQUIREMENT.—Subsection (a) shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

''(d) FULL-SERVICE DEPARTMENT MEDICAL CENTER DEFINED.—In this section, the term 'full-service Department medical center' means a facility of the Department that provides medical services, including hospital care, emergency medical services, and surgical care rated by the Secretary as having a surgical complexity level of standard.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1706 the following new item:

''1706A. Management of health care: access to full-service Department medical centers in certain States or comparable services through contract.''.

(c) REPORT ON IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report describing the extent to which the Secretary has complied with the requirement imposed by section 1706A of title 38, United States Code, as added by subsection (a), including the effect of such requirement on improving the quality and standards of care provided to veterans.

Ms. AYOTTE. Mr. President, I rise today to highlight the Veteran's Health Equity Act, a bill I am introducing with my colleague from the Granite State, Senator JEANNE SHAHEEN. I am pleased to support this bipartisan legislation that addresses an issue of importance to our Nation's heroic military veterans, especially in my home State of New Hampshire.

As a military spouse, I personally understand the commitment and sacrifice required of our service members and their families, and I am fully committed to ensuring that our heroes have access to the support and care they have earned. The bill we are introducing would level the playing field for veterans by requiring the Department of Veterans Affairs to guarantee that veterans in every State have access to hospital care within their borders. As it stands now, New Hampshire is the only state in the nation without a full-service VA hospital or military hospital providing equivalent care to veterans. Specifically, the Veteran's Health Equity Act would require the VA to either provide a full-service VA hospital in every State or contract with civilian hospitals to provide veterans with a comparable level of care.

While some States, like Alaska and Hawaii, rely on large military medical facilities to compensate for gaps in VA medical care, New Hampshire lacks the military medical facilities to compensate for a lack of a full-service VA hospital. Yet, New Hampshire has one of the highest rates of veterans per capita in the country. New Hampshire veterans must travel out of State to Maine, Massachusetts, or Vermont to access certain kinds of specialty care. Elderly veterans are often bused by volunteers during the treacherous winter months to an out of state service provider only to have their appointment canceled. Simply put, the lack of a full-service VA hospital in New Hampshire is unacceptable and our veterans deserve better.

As a member of the Armed Services Committee, I will continue to press for a full-service VA hospital in New Hampshire and explore all legislative remedies to ensure that our New Hampshire veterans receive the care they deserve. My 95 year old grandfather, John Sullivan, a World War II veteran, and veterans like him who have selflessly served our country, have earned high-quality medical care that is commensurate with their courageous service. We must honor our commitments to America's brave veterans. The Veteran's Health Equity Act will help ensure every veteran in the United States can access quality medical care without having to travel to another State.

---

By Mr. ROCKEFELLER:

S. 913. A bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKFELLER. Mr. President, I rise to introduce the Do-Not-Track Online Act of 2011; and I ask for unanimous consent that the bill be printed for the record. This bill is a first step towards furthering consumer privacy by empowering Americans with the ability to control their personal information and prevent online companies from collecting and using that information, if they so choose.

Do-Not-Track is a simple concept. It allows consumers, with a simple click of the mouse or the press of the button, to tell the entire online world, ''Do not collect information about me. I care about my privacy. And I do not want my information used in ways I do not expect or approve of.'' Under my bill, online companies would have to honor that user declaration, and cease the information collection and use practices to which consumers have said, ''no.'' My bill would direct the Federal Trade Commission to issue regulations that establish standards for a do- not-track mechanism and obligate online companies to accommodate that consumer preference.

This bill is necessary because Americans' privacy is increasingly under surveillance as they conduct their affairs online. Whether it is a mother at home on a computer researching the symptoms of her sick child, a man exploring how to change jobs or buy a home, or a teenager using her smartphone while riding the subway, online companies are collecting vast amounts of information about all of this activity, often surreptitiously and with consumers completely unaware. There are a vast array of companies collecting this information in numerous ways: third-party advertising networks place ''cookies'' on computer web-browsers to keep track of the websites consumers have visited; analytic and marketing companies identify individual computers by recognizing the unique configuration, or ''fingerprint,'' of web-browsers; and software applications installed on mobile devices, colloquially known as ''apps'', that collect, use, and disseminate information about consumer location, contact information, and other personal matters. All of this information is being stored on computer servers around the world and is used for a variety of purposes, ranging

from online behavioral advertising to internal analytics to the creation of personal dossiers by data brokers who build comprehensive profiles on individual Americans.

My bill will empower consumers, if they so choose, to stem the tide. It gives them the means to prohibit the collection of their information from the start. Consumers will be able to notify companies who are collecting their personal information that they want those collection practices to stop. If online companies fail to obey this request, they will face stiff penalties from the Federal Trade Commission or state Attorneys General.

The strength of this bill is its simplicity. Congress has long grappled with consumer privacy through the lens of ''notice and consent.'' That is, for over a decade in the Senate Commerce Committee, which I chair, we have tried to determine how online companies can provide clear and conspicuous notice to consumers about their commercial information practices; and once this notice has been given, further determine how consumers can either opt-in or opt-out of those information collection practices.

The endeavor has proven complicated and often unworkable: privacy policies are often long and tedious, replete with technical legalese. These notices don't work well on a full screen computer, much less on a small hand-held mobile device, and consumers often ignore them. Further, consumer consent has been dependent on the type of information that is being collected and who is doing the collection. For instance, should a third-party advertising network be subject to the same restrictions as the Washington Post website that hosts the ad network? Should Apple be allowed to collect information about a person's iPhone, but an application be prohibited? Should companies differentiate between particularly sensitive information—such as health or political activities—and more innocuous information such as which sports teams someone may like?

My Do-Not-Track bill avoids all of these messy policy considerations and provides consumers with the opportunity to take advantage of an easy mechanism that says ''no'' to anyone and everyone collecting their information. Period.

I think it is worth noting that the FTC has recognized the utility of do-not-track in its December 2010 report on consumer privacy. The report states: ''Such a mechanism would ensure that consumers would not have to exercise choices on a company-by-company or industry-by-industry basis, and that such choices would be persistent. It should also address some of the concerns with the existing browser mechanisms, by being more clear, easy-to-locate, and effective, and by conveying directly to websites the user's choice to opt out of tracking.'' Indeed, the private sector has similarly recognized the utility of do-not-track. Mozilla's popular web browser, Firefox, and Apple's web browser, Safari, already allow consumers to affirmatively declare a do-not-track preference to websites. The problem is that online companies have no legal obligation to honor this request. My bill fixes that.

Let me say a few words about what this bill does not do. My bill would not ''break the Internet.'' I am sure that we will hear such hyperbole in opposition to the bill. The truth is that my bill makes all of the necessary accommodations for online companies to use information as is necessary to allow companies to provide the content and services consumers have grown to expect and enjoy. For instance, websites will still be able to use IP addresses to deliver content, and will be allowed to collect data to perform internal analytics and improve performance. Applications will still be able to use a phone's Unique Device Identifier—also known as UDID—to perform their functions as they are supposed to. However, when consumers state that they do not want to be tracked, online services will no longer be allowed to collect and use this information for any extraneous purpose, and they will be obligated to immediately destroy or anonymize the information once it is no longer needed to provide the service requested. Furthermore, my bill allows online companies to collect and maintain consumer information when it has been voluntarily provided by the consumer. Consumers also can allow companies they trust to collect and use their information by providing specific consent that overrides a general do-not-track preference.

As such, my bill empowers consumers to stop online companies from collecting and using their information, but also preserves the ability of those online companies to conduct their business and deliver the content and services that consumers expect. The bill provides the FTC with rulemaking authority to use its expertise to protect the privacy interests of consumers while addressing the legitimate needs of industry.

To be clear, my bill is not a comprehensive consumer privacy bill, nor is it meant to be. Do-not-track is just one aspect to consumer privacy albeit an important one. Other Members of the Commerce Committee are actively engaged in protecting consumer privacy interests. I want to commend Senator KERRY, who is a senior Member of the Commerce Committee, and Senator MCCAIN for their efforts and for introducing legislation designed to establish a broad privacy framework. I also commend Senator PRYOR's dedication to privacy protection and the vigorous oversight of his Subcommittee. I expect consumer privacy to remain a focus of the Congress and the Members of the Commerce Committee with more legislation being introduced in the coming weeks and months.

In the end, my Do-Not-Track bill is a part of the ongoing discussion on consumer privacy in Congress. It is simple, yet powerful. It allows consumers, if they choose—and I should emphasize that many will not make such a choice—to stop the constant, almost mind-boggling sweep of online companies that are collecting vast amounts of consumer information. It prohibits those lurking in the cyber-shadows from surreptitiously profiting off of the personal, private information of ordinary Americans. I look forward to working with my colleagues on this and other privacy legislative efforts in the Commerce Committee and on the Senate floor.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 913

*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 ''Do-Not-Track Online Act of 2011''.

**SEC. 2. REGULATIONS RELATING TO "DO-NOT-TRACK" MECHANISMS.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Federal Trade Commission shall promulgate—

(1) regulations that establish standards for the implementation of a mechanism by which an individual can simply and easily indicate whether the individual prefers to have personal information collected by providers of online services, including by providers of mobile applications and services; and

(2) rules that prohibit, except as provided in subsection (b), such providers from collecting personal information on individuals who have expressed, via a mechanism that meets the standards promulgated under paragraph (1), a preference not to have such information collected.

(b) EXCEPTION.—The rules promulgated under paragraph (2) of subsection (a) shall allow for the collection and use of personal information on an individual described in such paragraph, notwithstanding the expressed preference of the individual via a mechanism that meets the standards promulgated under paragraph (1) of such subsection, to the extent—

(1) necessary to provide a service requested by the individual, including with respect to such service, basic functionality and effectiveness, so long as such information is anonymized or deleted upon the provision of such service; or

(2) the individual—

(A) receives clear, conspicuous, and accurate notice on the collection and use of such information; and

(B) affirmatively consents to such collection and use.

(c) FACTORS.—In promulgating standards and rules under subsection (a), the Federal Trade Commission shall consider and take into account the following:

(1) The appropriate scope of such standards and rules, including the conduct to which such rules shall apply and the persons required to comply with such rules.

(2) The technical feasibility and costs of—

(A) implementing mechanisms that would meet such standards; and

(B) complying with such rules.

(3) Mechanisms that—

(A) have been developed or used before the date of the enactment of this Act; and

(B) are for individuals to indicate simply and easily whether the individuals prefer to

have personal information collected by providers of online services, including by providers of mobile applications and services.

(4) How mechanisms that meet such standards should be publicized and offered to individuals.

(5) Whether and how information can be collected and used on an anonymous basis so that the information—

(A) cannot be reasonably linked or identified with a person or device, both on its own and in combination with other information; and

(B) does not qualify as personal information subject to the rules promulgated under subsection (a)(2).

(6) The standards under which personal information may be collected and used, subject to the anonymization or deletion requirements of subsection (b)(1)—

(A) to fulfill the basic functionality and effectiveness of an online service, including a mobile application or service;

(B) to provide the content or services requested by individuals who have otherwise expressed, via a mechanism that meets the standards promulgated under subsection (a)(1), a preference not to have personal information collected; and

(C) for such other purposes as the Commission determines substantially facilitates the functionality and effectiveness of the online service, or mobile application or service, in a manner that does not undermine an individual's preference, expressed via such mechanism, not to collect such information.

(d) RULEMAKING.—The Federal Trade Commission shall promulgate the standards and rules required by subsection (a) in accordance with section 553 of title 5, United States Code.

**SEC. 3. ENFORCEMENT OF "DO-NOT-TRACK" MECHANISMS.**

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of a rule promulgated under section 2(a)(2) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Except as provided in subparagraph (C), any person who violates this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) NONPROFIT ORGANIZATIONS.—The Federal Trade Commission shall enforce this Act with respect to an organization that is not organized to carry on business for its own profit or that of its members as if such organization were a person over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)).

(b) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule promulgated under section 2(a)(2) in a practice that violates the rule, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such rule by such person;

(B) to compel compliance with such rule;

(C) to obtain damages, restitution, or other compensation on behalf of such residents;

(D) to obtain such other relief as the court considers appropriate; or

(E) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) CALCULATION.—Subject to subparagraph (B), for purposes of imposing a civil penalty under paragraph (1)(E) with respect to a person that violates a rule promulgated under section 2(a)(2), the amount determined under this paragraph is the amount calculated by multiplying the number of days that the person is not in compliance with the rule by an amount not greater than $16,000.

(B) MAXIMUM TOTAL LIABILITY.—The total amount of civil penalties that may be imposed with respect to a person that violates a rule promulgated under section 2(a)(2) shall not exceed $15,000,000 for all civil actions brought against such person under paragraph (1) for such violation.

(C) ADJUSTMENT FOR INFLATION.—Beginning on the date on which the Bureau of Labor Statistics first publishes the Consumer Price Index after the date that is 1 year after the date of the enactment of this Act, and annually thereafter, the amounts specified in subparagraphs (A) and (B) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(3) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Federal Trade Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Federal Trade Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(4) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(5) PREEMPTIVE ACTION BY FEDERAL TRADE COMMISSION.—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of a rule promulgated under section 2(a)(2), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(7) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

**SEC. 4. BIENNIAL REVIEW AND ASSESSMENT.**

Not later than 2 years after the effective date of the regulations initially promulgated under section 2, the Federal Trade Commission shall—

(1) review the implementation of this Act;

(2) assess the effectiveness of such regulations, including how such regulations define or interpret the term ''personal information'' as such term is used in section 2;

(3) assess the effect of such regulations on online commerce; and

(4) submit to Congress a report on the results of the review and assessments required by this section.

---

By Mr. BEGICH (for himself, Mr. GRASSLEY, and Mr. TESTER):

S. 914. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BEGICH. Mr. President, today I rise to introduce legislation to amend title 38, related to this Nation's obligation to provide benefits to our veterans. Specifically, the bill I introduce today with my distinguished colleagues, Senator GRASSLEY of Iowa and Senator TESTER of Montana, will waive collection of copayments for telehealth and telemedicine visits for Veterans.

More than 42,000 veterans are receiving care in their homes, enrolled in the Veterans Health Administration's, VHA, Telemedicine program as one form of treatment. In Alaska, as of March 2010, there were 226 veterans receiving this service. Just over a 100 of those live in rural Alaska.

Home Telehealth programs provide needed care for the 2–3 percent of veterans who account for 30 percent or more of agency resources. These men and women are frequent clinic attendees and often require urgent hospital admissions. VHA programs have demonstrated reduced hospital admissions and clinic and emergency room

visits, and contribute to an improved quality of life for our veterans.

For no group of veterans is this service more important than for those who live in rural and remote America. Telemedicine has become an increasingly integral component in addressing the needs of veterans residing in rural and remote areas, and is critical to ensuring they have proper access to health care, especially in rural areas.

While the VHA is saving taxpayers money by usingtelemedicine, currently all telemedicine visits require veterans receiving these treatments to make copayments. My legislation would implement a simple fix. It would waive the required copayments—sometimes up to $50 per visit—to lessen the burden on our veterans, who have sacrificed in service to our great nation. I believe that waiving these fees may encourage more veterans to take advantage of VHA's telehealth programs, which can be a godsend for rural veterans with few other viable options.

For rural veterans in Alaska, who have to travel by small float planes or boats or even snow machines to get to the nearest clinic for monitoring of their diabetes, high blood pressure, or other chronic conditions, Congress can go a long way in repaying this Nation's debt to our veterans by passing this legislation.

The VHA plans to expand Home Telehealth for weight management, substance abuse, mild traumatic brain injury, dementia, and palliative care, as well as enabling veterans to use mobile devices to access care. I would hate to see these vital services go unused by veterans living in remote villages and communities because of the cost of copayments. But, this is not primarily about saving veterans money. This is about the federal government doing what is good for our veterans. The monetary benefits for veterans are a plus.

Basically, this legislation will amend title 38 to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans by giving the Secretary the authority to do so.

In closing, I must say it is an honor for me to serve as a member of the Senate Veterans' Affairs Committee. I feel very privileged to be involved with policy formation that helps our veterans. I appreciate my distinguished colleagues on the committee.

This is a bipartisan bill to address an issue with no partisan connection. I strongly encourage my colleagues to join Senators GRASSLEY, TESTER, and me in cosponsoring this legislation, and I urge expeditious consideration of the legislation to address a growing need for our rural veterans.

---

By Mr. BINGAMAN:

S. 916. A bill to facilitate appropriate oil and gas development on Federal land and waters, to limit dependence of the United States on foreign sources of oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Oil and Gas Facilitation Act of 2011. This is a bill to facilitate appropriate oil and gas development on Federal land and waters, and to limit the dependence of the United States on foreign sources of energy.

For example, its provisions will increase our understanding of our oil and gas resources, coordinate interagency activity on permitting for oil and gas development, and facilitate transportation of Alaskan oil and natural gas.

Its provisions are drawn from a bill reported out of the Committee on Energy and Natural Resources on a bipartisan basis in the last Congress. I look forward to working with my colleagues on both sides of the aisle as we move forward on these issues in this Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 916

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Oil and Gas Facilitation Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—OIL AND GAS LEASING

Sec. 101. Extension of Oil and Gas Permit Processing Improvement Fund.
Sec. 102. Facilitation of coproduction of geothermal energy on oil and gas leases.

TITLE II—OUTER CONTINENTAL SHELF

Sec. 201. Comprehensive inventory of outer Continental Shelf resources.
Sec. 202. Alaska OCS permit processing coordination office.
Sec. 203. Phase-out of mandatory Outer Continental Shelf deep water and deep gas royalty relief for future leases.

TITLE III—MISCELLANEOUS

Sec. 301. Facilitation of Alaska natural gas pipeline.
Sec. 302. Exemption of trans-Alaska oil pipeline system from certain requirements.
Sec. 303. Permits for natural gas pipeline in Denali National Park and Preserve.

**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term ''Secretary'' means the Secretary of the Interior.

## TITLE I—OIL AND GAS LEASING

**SEC. 101. EXTENSION OF OIL AND GAS PERMIT PROCESSING IMPROVEMENT FUND.**

Section 35(c) of the Mineral Leasing Act (30 U.S.C. 191(c)) is amended by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Fund, or to the extent adequate funds in the Fund are not available from miscellaneous receipts of the Treasury, for the coordination and processing of oil and gas use authorizations and for oil and gas inspection and enforcement on onshore Federal land under the jurisdiction of the Pilot Project offices described in section 365(d) of the Energy Policy Act of 2005 (42 U.S.C. 15924(d)) $20,000,000 for each of fiscal years 2016 through 2020, to remain available until expended.''.

**SEC. 102. FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.**

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

''(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land under an oil and gas lease issued pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) that is subject to an approved application for permit to drill and from which oil and gas production is occurring may be available for leasing under subsection (c) by the holder of the oil and gas lease—

''(A) on a determination that—

''(i) geothermal energy will be produced from a well producing or capable of producing oil and gas; and

''(ii) the public interest will be served by the issuance of such a lease; and

''(B) in order to provide for the coproduction of geothermal energy with oil and gas.''.

## TITLE II—OUTER CONTINENTAL SHELF

**SEC. 201. COMPREHENSIVE INVENTORY OF OUTER CONTINENTAL SHELF RESOURCES.**

(a) IN GENERAL.—Section 357 of the Energy Policy Act of 2005 (42 U.S.C. 15912) is amended—

(1) in subsection (a)—

(A) by striking the first sentence of the matter preceding paragraph (1) and inserting the following: ''The Secretary shall conduct a comprehensive inventory of oil and natural gas (including executing or otherwise facilitating seismic studies of resources) and prepare a summary (the latter prepared with the assistance of, and based on information provided by, the heads of appropriate Federal agencies) of the information obtained under paragraph (3), for the waters of the United States Outer Continental Shelf (referred to in this section as the 'OCS') in the Atlantic Region, the Eastern Gulf of Mexico, and the Alaska Region.'';

(B) in paragraph (2)—

(i) by striking ''3-D'' and inserting ''2-D and 3-D''; and

(ii) by adding ''and'' at the end; and

(C) by striking paragraphs (3) through (5) and inserting in the following:

''(3) use existing inventories and mapping of marine resources undertaken by the National Oceanographic and Atmospheric Administration and with the assistance of and based on information provided by the Department of Defense and other Federal and State agencies possessing relevant data, and use any available data regarding alternative energy potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses.''; and

(2) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION.—The Secretary shall carry out the inventory and analysis under subsection (a) in 3 phases, with priority given to all or part of applicable planning areas of the outer Continental Shelf—

''(1) estimated to have the greatest potential for energy development in barrel of oil equivalent; and

''(2) outside of any leased area or area scheduled for leasing prior to calendar year 2011 under any outer Continental Shelf 5-year leasing program or amendment to the program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

''(c) PLAN.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that provides a plan for executing or otherwise facilitating the seismic studies required under this section, including an estimate of the costs to complete the seismic inventory by region and environmental and permitting activities to facilitate expeditious completion.

''(2) FIRST PHASE.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to Congress a report describing the results of the first phase of the inventory and analysis under subsection (a).

''(3) SUBSEQUENT PHASES.—Not later than 2 years after the date on which the report is submitted under paragraph (2) and 2 years thereafter, the Secretary shall submit to Congress a report describing the results of the second and third phases, respectively, of the inventory and analysis under subsection (a).

''(4) PUBLIC AVAILABILITY.—A report submitted under paragraph (2) or (3) shall be—

''(A) made publicly available; and

''(B) updated not less frequently than once every 5 years.''.

(b) RELATIONSHIP TO 5-YEAR PROGRAM.—The requirement that the Secretary carry out the inventory required by the amendment made by subsection (a) shall not be considered to require, authorize, or provide a basis or justification for delay by the Secretary or any other agency of the issuance of any outer Continental Shelf leasing program or amendment to the program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344), or any lease sale pursuant to that section.

(c) PERMITS.—Nothing in this section or an amendment made by this section—

(1) precludes the issuance by the Secretary of a permit to conduct geological and geophysical exploration of the outer Continental Shelf in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and other applicable law; or

(2) otherwise alters the requirements of applicable law with respect to the issuance of such a permit or any other activities undertaken by the Secretary in connection with the inventory.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to be available until expended without fiscal year limitation—

(1) $100,000,000 for each of fiscal years 2012 through 2017; and

(2) $50,000,000 for each of fiscal years 2018 through 2022.

**SEC. 202. ALASKA OCS PERMIT PROCESSING COORDINATION OFFICE.**

(a) ESTABLISHMENT.—The Secretary shall establish a regional joint outer Continental Shelf lease and permit processing office for the Alaska outer Continental Shelf region.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for the purposes of carrying out this section with—

(A) the Secretary of Commerce;

(B) the Chief of Engineers;

(C) the Administrator of the Environmental Protection Agency; and

(D) any other Federal agency that may have a role in permitting activities.

(2) STATE PARTICIPATION.—The Secretary shall request that the Governor of Alaska be a signatory to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), each Federal signatory party shall, if appropriate, assign to the office described in subsection (a) an employee who has expertise in the regulatory issues administered by the office in which the employee is employed relating to leasing and the permitting of oil and gas activities on the outer Continental Shelf.

(2) DUTIES.—An employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the office described in subsection (a);

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the applicable team of personnel working on proposed oil and gas leasing and permitting, including planning and environmental analyses.

(d) TRANSFER OF FUNDS.—For the purposes of coordination and processing of oil and gas use authorizations for the Alaska outer Continental Shelf region, the Secretary may authorize the expenditure or transfer of such funds as are necessary to—

(1) the Secretary of Commerce;

(2) the Chief of Engineers;

(3) the Administrator of the Environmental Protection Agency;

(4) any other Federal agency having a role in permitting activities; and

(5) the State of Alaska.

(e) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency for employees that are assigned to the coordination office.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2012 through 2022, to remain available until expended.

**SEC. 203. PHASE-OUT OF MANDATORY OUTER CONTINENTAL SHELF DEEP WATER AND DEEP GAS ROYALTY RELIEF FOR FUTURE LEASES.**

(a) IN GENERAL.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) ADMINISTRATION.—The Secretary shall not be required to provide for royalty relief in the lease sale terms beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published.

## TITLE III—MISCELLANEOUS

**SEC. 301. FACILITATION OF ALASKA NATURAL GAS PIPELINE.**

Section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by inserting before the period at the end the following: '', except that a holder of a certificate may request the Secretary to extend the period to issue Federal guarantee instruments for not more than 180 days following the date of resolution of any reopening, contest, or other proceeding relating to the certificate''; and

(B) in the second sentence, by inserting before the period at the end the following: '', or connecting to pipeline infrastructure capable of delivering commercially economic quantities of natural gas to the continental United States'';

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2) (as so redesignated), by striking ''and completion guarantees'';

(3) in subsection (c)(2), by striking ''$18,000,000,000'' and inserting ''$30,000,000,000'';

(4) in subsection (d)—

(A) in the first sentence of paragraph (1), by inserting before the period at the end the following: '', except that an issued loan guarantee instrument shall apply to not less than 80 percent of project costs unless by previous consent of the borrower''; and

(B) in paragraph (2), by striking ''An eligible'' and inserting ''A''; and

(5) in subsection (g)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2) (as so redesignated), by inserting before the period at the end the following: ''under subsection (a)(3), including direct lending from the Federal Financing Bank of all or a part of the amount to the holder, in lieu of a guarantee''.

**SEC. 302. EXEMPTION OF TRANS-ALASKA OIL PIPELINE SYSTEM FROM CERTAIN REQUIREMENTS.**

The Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) is amended by adding at the end the following:

**''SEC. 208. EXEMPTION OF TRANS-ALASKA OIL PIPELINE SYSTEM FROM CERTAIN REQUIREMENTS.**

''(a) IN GENERAL.—Except as provided in subsection (b), no part of the trans-Alaska oil pipeline system shall be considered to be a district, site, building, structure, or object for purposes of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), regardless of whether all or part of the trans-Alaska oil pipeline system may otherwise be listed on, or eligible for listing on, the National Register of Historic Places.

''(b) INDIVIDUAL ELEMENTS.—

''(1) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior may identify up to 3 sections of the trans-Alaska oil pipeline system that possess national or exceptional historic significance, and that should remain after the pipeline is no longer used for the purpose of oil transportation.

''(2) HISTORIC SITE.—Any sections identified under paragraph (1) shall be considered to be a historic site.

''(3) VIEWS.—In making the identification under this subsection, the Secretary shall consider the views of—

''(A) the owners of the pipeline;

''(B) the State Historic Preservation Officer;

''(C) the Advisory Council on Historic Preservation; and

''(D) the Federal Coordinator for Alaska Natural Gas Transportation Projects.

''(c) CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.—Subsection (b) does not prohibit the owners of the trans-Alaska oil pipeline system from carrying out construction, maintenance, restoration, or rehabilitation activities on or for a section of the system described in subsection (b).''.

**SEC. 303. PERMITS FOR NATURAL GAS PIPELINE IN DENALI NATIONAL PARK AND PRESERVE.**

(a) DEFINITIONS.—In this section:

(1) APPURTENANCE.—

(A) IN GENERAL.—The term ''appurtenance'' includes cathodic protection or test stations, valves, signage, and buried communication and electric cables relating to the operation of high-pressure natural gas transmission.

(B) EXCLUSIONS.—The term ''appurtenance'' does not include compressor stations.

(2) PARK.—The term ''Park'' means the Denali National Park and Preserve in the State of Alaska.

(b) PERMIT.—The Secretary may issue right-of-way permits for—

(1) a high-pressure natural gas transmission pipeline (including appurtenances) in non-wilderness areas within the boundary of Denali National Park within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park; and

(2) any distribution and transmission pipelines and appurtenances that the Secretary determines to be necessary to provide natural gas supply to the Park.

(c) TERMS AND CONDITIONS.—A permit authorized under subsection (b)—

(1) may be issued only—

(A) if the permit is consistent with the laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System;

(B) in accordance with section 1106(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3166(a)); and

(C) if, following an appropriate analysis prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the route of the right-of-way is the route through the Park with the least adverse environmental effects for the Park; and

(2) shall be subject to such terms and conditions as the Secretary determines to be necessary.

---

By Mr. BINGAMAN:

S. 917. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Outer Continental Shelf Reform Act of 2011. This is a bill intended to reform the management of energy resources on the Outer Continental Shelf, and to create a culture of excellence for the industry and the regulatory agency going forward.

Following the tragic Deepwater Horizon oil rig accident last year, we have learned a lot about changes that need to be made by the industry and the regulatory agency to ensure that accidents like this never happen again. In addition, we should do more, and create a system for the management of offshore energy development that is a model for the world.

This bill is intended to put in place the changes that can achieve these goals. It is identical to a bill reported unanimously by the Committee on Energy and Natural Resources in the last Congress. In the intervening time since the committee's action, there have been developments and new information that may indicate the need to update or change some parts of the bill. But, as we begin to work on this issue again in the committee, I believe that it is sensible to start with last year's bill. I look forward to working with my colleagues on both sides of the aisle to address these important issues.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 917

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Outer Continental Shelf Reform Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.
Sec. 4. National policy for the outer Continental Shelf.
Sec. 5. Structural reform of outer Continental Shelf program management.
Sec. 6. Safety, environmental, and financial reform of the Outer Continental Shelf Lands Act.
Sec. 7. Study on the effect of the moratoria on new deepwater drilling in the Gulf of Mexico on employment and small businesses.
Sec. 8. Reform of other law.
Sec. 9. Safer oil and gas production.
Sec. 10. National Commission on Outer Continental Shelf Oil Spill Prevention.
Sec. 11. Classification of offshore systems.
Sec. 12. Savings provisions.
Sec. 13. Budgetary effects.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to rationalize and reform the responsibilities of the Secretary of the Interior with respect to the management of the outer Continental Shelf in order to improve the management, oversight, accountability, safety, and environmental protection of all the resources on the outer Continental Shelf;

(2) to provide independent development and enforcement of safety and environmental laws (including regulations) governing—

(A) energy development and mineral extraction activities on the outer Continental Shelf; and

(B) related offshore activities; and

(3) to ensure a fair return to the taxpayer from, and independent management of, royalty and revenue collection and disbursement activities from mineral and energy resources.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(2) OUTER CONTINENTAL SHELF.—The term ''outer Continental Shelf'' has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

**SEC. 4. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.**

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be managed in a manner that—

''(A) recognizes the need of the United States for domestic sources of energy, food, minerals, and other resources;

''(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

''(C) acknowledges the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;'';

(2) in paragraph (4)(C), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

''(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that provides reasonable assurance of adequate protection against harm to life, health, the environment, property, or other users of the waters, seabed, or subsoil; and''; and

(6) in paragraph (7) (as so redesignated)—

(A) by striking ''should be'' and inserting ''shall be''; and

(B) by adding ''best available'' after ''using''.

**SEC. 5. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.**

(a) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding to the end the following:

**''SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL SHELF PROGRAM MANAGEMENT.**

''(a) LEASING, PERMITTING, AND REGULATION BUREAUS.—

''(1) ESTABLISHMENT OF BUREAUS.—

''(A) IN GENERAL.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior not more than 2 bureaus to carry out the leasing, permitting, and safety and environmental regulatory functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) related to the outer Continental Shelf.

''(B) CONFLICTS OF INTEREST.—In establishing the bureaus under subparagraph (A), the Secretary shall ensure, to the maximum extent practicable, that any potential organizational conflicts of interest related to leasing, revenue creation, environmental protection, and safety are eliminated.

''(2) DIRECTOR.—Each bureau shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—Each Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—Each Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(b) ROYALTY AND REVENUE OFFICE.—

''(1) ESTABLISHMENT OF OFFICE.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), the Secretary shall establish in the Department of the Interior an office to carry out the royalty and revenue management functions vested in the Secretary by this Act and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

''(2) DIRECTOR.—The office established under paragraph (1) shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) COMPENSATION.—The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) QUALIFICATIONS.—The Director shall be a person who, by reason of professional background and demonstrated ability and experience, is specially qualified to carry out the duties of the office.

''(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY BOARD.—

''(1) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act (5 U.S.C. App.), an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this subsection as the 'Board'), to provide the Secretary and the Directors of the bureaus established under this section with independent peer-reviewed scientific and technical advice on safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(2) MEMBERSHIP.—

''(A) SIZE.—

''(i) IN GENERAL.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, and other disciplines related to safe and environmentally compliant energy and mineral resource exploration, development, and production activities.

''(ii) CONSULTATION.—The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for membership on the Board.

''(B) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

''(C) CHAIR.—The Secretary shall appoint the Chair for the Board.

''(3) MEETINGS.—The Board shall—

''(A) meet not less than 3 times per year; and

''(B) at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of outer Continental Shelf energy and mineral resource activities.

''(4) REPORTS.—Reports of the Board shall—

''(A) be submitted to Congress; and

''(B) made available to the public in an electronically accessible form.

''(5) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending a meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Federal Government serving without pay.

''(d) SPECIAL PERSONNEL AUTHORITIES.—

''(1) DIRECT HIRING AUTHORITY FOR CRITICAL PERSONNEL.—

''(A) IN GENERAL.—Notwithstanding sections 3104, 3304, and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified accountants, scientists, engineers, or critical technical personnel into the competitive service, as officers or employees of any of the organizational units established under this section.

''(B) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Secretary shall ensure that any action taken by the Secretary—

''(i) is consistent with the merit principles of chapter 23 of title 5, United States Code; and

''(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

''(2) CRITICAL PAY AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of any of the organizational units established under this section, if the Secretary certifies that—

''(i) the positions—

''(I) require expertise of an extremely high level in a scientific or technical field; and

''(II) any of the organizational units established in this section would not successfully accomplish an important mission without such an individual; and

''(ii) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

''(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

''(i) The number of critical positions authorized by subparagraph (A) may not exceed 40 at any 1 time in either of the bureaus established under this section.

''(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

''(iii) An individual appointed under subparagraph (A) may not have been an employee of the Department of the Interior during the 2-year period prior to the date of appointment.

''(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

''(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

''(C) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this paragraph.

''(3) REEMPLOYMENT OF CIVILIAN RETIREES.—

''(A) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of any of the organizational units established under this section for which suitably qualified candidates do not exist.

''(B) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subparagraph (A)—

''(i) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

''(ii) may not elect to have retirement contributions withheld from the pay of the annuitant;

''(iii) may not use any employment under this paragraph as a basis for a supplemental or recomputed annuity; and

''(iv) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

''(C) LIMITATION ON TERM.—The term of employment of any individual hired under subparagraph (A) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

''(e) CONTINUITY OF AUTHORITY.—Subject to the discretion granted by Reorganization Plan Number 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to the date of enactment of this section—

''(1) to the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the appropriate bureaus and offices established under this section;

''(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to the Director of the bureau or office under this section to whom the Secretary has assigned the respective duty or authority; and

''(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities described in this section shall be deemed to refer and apply to that same or equivalent position in the appropriate bureau or office established under this section.''.

(b) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Bureau of Mines, Department of the Interior'' and inserting the following:

''Bureau Directors, Department of the Interior (2).

''Director, Royalty and Revenue Office, Department of the Interior.''.

**SEC. 6. SAFETY, ENVIRONMENTAL, AND FINANCIAL REFORM OF THE OUTER CONTINENTAL SHELF LANDS ACT.**

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

''(r) SAFETY CASE.—The term 'safety case' means a complete set of safety documentation that provides a basis for determining whether a system is adequately safe for a given application in a given environment.''.

(b) ADMINISTRATION OF LEASING.—Section 5(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)) is amended in the second sentence—

(1) by striking ''The Secretary may at any time'' and inserting ''The Secretary shall''; and

(2) by inserting after ''provide for'' the following: ''operational safety, the protection of the marine and coastal environment,''.

(c) MAINTENANCE OF LEASES.—Section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335) is amended by adding at the end the following:

''(f) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall—

''(1) review the minimum financial responsibility requirements for mineral leases under subsection (a)(11); and

''(2) adjust for inflation based on the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, and recommend to Congress any further changes to existing financial responsibility requirements necessary to permit lessees to fulfill all obligations under this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

''(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

''(1) ROYALTY RATES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary shall carry out a review of, and prepare a report that describes—

''(i) the royalty and rental rates included in new offshore oil and gas leases and the rationale for the rates;

''(ii) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) would yield a fair return to the public while promoting the production of oil and gas resources in a timely manner; and

''(iii) whether, based on the review, the Secretary intends to modify the royalty or rental rates.

''(B) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under subparagraph (A), the Secretary shall provide to the public an opportunity to participate.

''(2) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 4 years thereafter, the Secretary in consultation with the Secretary of the Treasury, shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for bonus bids, rental rates, royalties, oil and gas taxes, income taxes and other significant financial elements, and oil and gas fees.

''(B) INCLUSIONS.—The review shall include—

''(i) information and analyses comparing the offshore bonus bids, rents, royalties, taxes, and fees of the Federal Government to the offshore bonus bids, rents, royalties, taxes, and fees of other resource owners (including States and foreign countries); and

''(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

''(C) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under this paragraph, the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate nongovernmental organizations.

''(D) REPORT.—The Secretary shall prepare a report that contains—

''(i) the contents and results of the review carried out under this paragraph for the period covered by the report; and

''(ii) any recommendations of the Secretary and the Secretary of the Treasury based on the contents and results of the review.

''(E) COMBINED REPORT.—The Secretary may combine the reports required by paragraphs (1) and (2)(D) into 1 report.

''(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes each report under this subsection, the Secretary shall submit copies of the report to—

''(A) the Committee on Energy and Natural Resources of the Senate;

''(B) the Committee on Finance of the Senate;

''(C) the Committee on Natural Resources of the House of Representatives; and

''(D) the Committee on Ways and Means of the House of Representatives.''.

(d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

''(d) DISQUALIFICATION FROM BIDDING.—No bid for a lease may be submitted by any entity that the Secretary finds, after prior public notice and opportunity for a hearing—

''(1) is not meeting due diligence, safety, or environmental requirements on other leases; or

''(2)(A) is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702); and

''(B) has failed to meet the obligations of the responsible party under that Act to provide compensation for covered removal costs and damages.''.

(e) EXPLORATION PLANS.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended—

(1) in subsection (c)—

(A) in the fourth sentence of paragraph (1), by striking ''within thirty days of its submission'' and inserting ''by the deadline described in paragraph (5)'';

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM REQUIREMENTS.—

''(A) IN GENERAL.—An exploration plan submitted under this subsection shall include, in such degree of detail as the Secretary by regulation may require—

''(i) a complete description and schedule of the exploration activities to be undertaken;

''(ii) a description of the equipment to be used for the exploration activities, including—

''(I) a description of the drilling unit;

''(II) a statement of the design and condition of major safety-related pieces of equipment;

''(III) a description of any new technology to be used; and

''(IV) a statement demonstrating that the equipment to be used meets the best available technology requirements under section 21(b);

''(iii) a map showing the location of each well to be drilled;

''(iv)(I) a scenario for the potential blowout of the well involving the highest expected volume of liquid hydrocarbons; and

''(II) a complete description of a response plan to control the blowout and manage the accompanying discharge of hydrocarbons, including—

''(aa) the technology and timeline for regaining control of the well; and

''(bb) the strategy, organization, and resources to be used to avoid harm to the environment and human health from hydrocarbons; and

''(v) any other information determined to be relevant by the Secretary.

''(B) DEEPWATER WELLS.—

''(i) IN GENERAL.—Before conducting exploration activities in water depths greater than 500 feet, the holder of a lease shall submit to the Secretary for approval a deepwater operations plan prepared by the lessee in accordance with this subparagraph.

''(ii) TECHNOLOGY REQUIREMENTS.—A deepwater operations plan under this subparagraph shall be based on the best available technology to ensure safety in carrying out the exploration activity and the blowout response plan.

''(iii) SYSTEMS ANALYSIS REQUIRED.—The Secretary shall not approve a deepwater operations plan under this subparagraph unless the plan includes a technical systems analysis of—

''(I) the safety of the proposed exploration activity;

''(II) the blowout prevention technology; and

''(III) the blowout and spill response plans.''; and

(C) by adding at the end the following:

''(5) DEADLINE FOR APPROVAL.—

''(A) IN GENERAL.—In the case of a lease issued under a sale held after March 17, 2010, the deadline for approval of an exploration plan referred to in the fourth sentence of paragraph (1) is—

''(i) the date that is 90 days after the date on which the plan or the modifications to the plan are submitted; or

''(ii) the date that is not later than an additional 180 days after the deadline described in clause (i), if the Secretary makes a finding that additional time is necessary to complete any environmental, safety, or other reviews.

''(B) EXISTING LEASES.—In the case of a lease issued under a sale held on or before March 17, 2010, the Secretary, with the consent of the holder of the lease, may extend the deadline applicable to the lease for such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews.'';

(2) by resdesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(3) by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

''(A) before the lessee drills a well in accordance with the plan; and

''(B) before the lessee significantly modifies the well design originally approved by the Secretary.

''(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit until the date of completion of a full review of the well system by not less than 2 agency engineers, including a written determination that—

''(A) critical safety systems (including blowout prevention) will use best available technology; and

''(B) blowout prevention systems will include redundancy and remote triggering capability.

''(3) MODIFICATION REVIEW REQUIRED.—The Secretary may not approve any modification of a permit without a determination, after an additional engineering review, that the modification will not compromise the safety of the well system previously approved.

''(4) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit until the date of completion and approval of a safety and environmental management plan that—

''(A) is to be used by the operator during all well operations; and

''(B) includes—

''(i) a description of the expertise and experience level of crew members who will be present on the rig; and

''(ii) designation of at least 2 environmental and safety managers that—

''(I) are employees of the operator;

''(II) would be present on the rig at all times; and

''(III) have overall responsibility for the safety and environmental management of the well system and spill response plan; and

''(C) not later than May 1, 2012, requires that all employees on the rig meet the training and experience requirements under section 21(b)(4).

''(e) DISAPPROVAL OF EXPLORATION PLAN.—

''(1) IN GENERAL.—The Secretary shall disapprove an exploration plan submitted under this section if the Secretary determines that, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

''(A) implementation of the exploration plan would probably cause serious harm or damage to life (including fish and other aquatic life), property, mineral deposits, national security or defense, or the marine, coastal or human environments;

''(B) the threat of harm or damage would not disappear or decrease to an acceptable extent within a reasonable period of time; and

''(C) the advantages of disapproving the exploration plan outweigh the advantages of exploration.

''(2) COMPENSATION.—If an exploration plan is disapproved under this subsection, the provisions of subparagraphs (B) and (C) of section 25(h)(2) shall apply to the lease and the plan or any modified plan, except that the reference in section 25(h)(2)(C) to a development and production plan shall be considered to be a reference to an exploration plan.''.

(f) OUTER CONTINENTAL SHELF LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting after ''national energy needs'' the following: ''and the need for the protection of the marine and coastal environment and resources'';

(B) in paragraph (1), by striking ''considers'' and inserting ''gives equal consideration to''; and

(C) in paragraph (3), by striking '', to the maximum extent practicable,'';

(2) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) provide technical review and oversight of the exploration plan and a systems review of the safety of the well design and other operational decisions;

''(6) conduct regular and thorough safety reviews and inspections, and;

''(7) enforce all applicable laws (including regulations).'';

(3) in the second sentence of subsection (d)(2), by inserting '', the head of an interested Federal agency,'' after ''Attorney General'';

(4) in the first sentence of subsection (g), by inserting before the period at the end the following: '', including existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf''; and

(5) by adding at the end the following:

''(i) RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner.

''(2) INCLUSIONS.—Research and development activities carried out under paragraph (1) may include activities to provide accurate estimates of energy and mineral reserves and potential on the outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.

''(3) LEASING ACTIVITIES.—Research and development activities carried out under paragraph (1) shall not be considered to be leasing or pre-leasing activities for purposes of this Act.''.

(g) ENVIRONMENTAL STUDIES.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by redesignating subsections (a) through (f) as subsections (b) through (g), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) COMPREHENSIVE AND INDEPENDENT STUDIES.—

''(1) IN GENERAL.—The Secretary shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of environmental and other resource data that are relevant to carrying out the purposes of this Act.

''(2) SCOPE OF RESEARCH.—The programs under this subsection shall include—

''(A) the gathering of baseline data in areas before energy or mineral resource development activities occur;

''(B) ecosystem research and monitoring studies to support integrated resource management decisions; and

''(C) the improvement of scientific understanding of the fate, transport, and effects of discharges and spilled materials, including deep water hydrocarbon spills, in the marine environment.

''(3) USE OF DATA.—The Secretary shall ensure that information from the studies carried out under this section—

''(A) informs the management of energy and mineral resources on the outer Continental Shelf including any areas under consideration for oil and gas leasing; and

''(B) contributes to a broader coordination of energy and mineral resource development activities within the context of best available science.

''(4) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

''(A) be programmatically separate and distinct from the leasing program;

''(B) carry out the environmental studies under this section;

''(C) conduct additional environmental studies relevant to the sound management of energy and mineral resources on the outer Continental Shelf;

''(D) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

''(E) subject to the restrictions of subsections (g) and (h) of section 18, make available to the public studies conducted and data gathered under this section.''; and

(3) in the first sentence of subsection (b)(1) (as so redesignated), by inserting ''every 3 years'' after ''shall conduct''.

(h) SAFETY RESEARCH AND REGULATIONS.—Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in the first sentence of subsection (a), by striking ''Upon the date of enactment of this section,'' and inserting ''Not later than May 1, 2011, and every 3 years thereafter,'';

(2) by striking subsection (b) and inserting the following:

''(b) BEST AVAILABLE TECHNOLOGIES AND PRACTICES.—

''(1) IN GENERAL.—In exercising respective responsibilities under this Act, the Secretary, and the Secretary of the Department in which the Coast Guard is operating, shall require, on all new drilling and production operations and, to the maximum extent practicable, on existing operations, the use of the best available and safest technologies and practices, if the failure of equipment would have a significant effect on safety, health, or the environment.

''(2) IDENTIFICATION OF BEST AVAILABLE TECHNOLOGIES.—Not later than May 1, 2011, and not later than every 3 years thereafter, the Secretary shall identify and publish an updated list of best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response.

''(3) SAFETY CASE.—Not later than May 1, 2011, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf.

''(4) EMPLOYEE TRAINING.—

''(A) IN GENERAL.—Not later than May 1, 2011, the Secretary shall promulgate regulations setting standards for training for all workers on offshore facilities (including mobile offshore drilling units) conducting energy and mineral resource exploration, development, and production operations on the outer Continental Shelf.

''(B) REQUIREMENTS.—The training standards under this paragraph shall require that employers of workers described in subparagraph (A)—

''(i) establish training programs approved by the Secretary; and

''(ii) demonstrate that employees involved in the offshore operations meet standards that demonstrate the aptitude of the employees in critical technical skills.

''(C) EXPERIENCE.—The training standards under this section shall require that any offshore worker with less than 5 years of applied experience in offshore facilities operations pass a certification requirement after receiving the appropriate training.

''(D) MONITORING TRAINING COURSES.—The Secretary shall ensure that Department employees responsible for inspecting offshore facilities monitor, observe, and report on training courses established under this paragraph, including attending a representative number of the training sessions, as determined by the Secretary.''; and

(3) by adding at the end the following:

''(g) TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with outer Continental Shelf energy and mineral resource activities, with the primary purpose of informing the role of research, development, and risk assessment relating to safety, environmental protection, and spill response.

''(2) SPECIFIC AREAS OF FOCUS.—The program under this subsection shall include research, development, and other activities related to—

''(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

''(B) analysis of industry trends in technology, investment, and interest in frontier areas;

''(C) analysis of incidents investigated under section 22;

''(D) reviews of best available technologies, including technologies associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

''(E) oil spill response and mitigation;

''(F) risks associated with human factors; and

''(G) renewable energy operations.

''(3) INFORMATION SHARING ACTIVITIES.—

''(A) DOMESTIC ACTIVITIES.—The Secretary shall carry out programs to facilitate the exchange and dissemination of scientific and technical information and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

''(B) INTERNATIONAL COOPERATION.—The Secretary shall carry out programs to cooperate with international organizations and foreign governments to share information

and best practices related to the management of safety and environmental issues associated with energy and mineral resource exploration, development, and production.

''(4) REPORTS.—The program under this subsection shall provide to the Secretary, each Bureau Director under section 32, and the public quarterly reports that address—

''(A) developments in each of the areas under paragraph (2); and

''(B)(i) any accidents that have occurred in the past quarter; and

''(ii) appropriate responses to the accidents.

''(5) INDEPENDENCE.—The Secretary shall create a program within the appropriate bureau established under section 32 that shall—

''(A) be programmatically separate and distinct from the leasing program;

''(B) carry out the studies, analyses, and other activities under this subsection;

''(C) provide for external scientific review of studies under this section, including through appropriate arrangements with the National Academy of Sciences; and

''(D) make available to the public studies conducted and data gathered under this section.

''(6) USE OF DATA.—The Secretary shall ensure that the information from the studies and research carried out under this section inform the development of safety practices and regulations as required by this Act and other applicable laws.''.

(i) ENFORCEMENT.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting '', each loss of well control, blowout, activation of the blowout preventer, and other accident that presented a serious risk to human or environmental safety,'' after ''fire''; and

(ii) in the last sentence, by inserting ''as a condition of the lease'' before the period at the end;

(B) in the last sentence of paragraph (2), by inserting ''as a condition of lease'' before the period at the end;

(2) in subsection (e)—

(A) by striking ''(e) The'' and inserting the following:

''(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

''(1) IN GENERAL.—The''; and

(B) by adding at the end the following:

''(2) INVESTIGATION.—The Secretary shall investigate any allegation from any employee of the lessee or any subcontractor of the lessee made under paragraph (1).''; and

(3) by adding at the end of the section the following:

''(g) INDEPENDENT INVESTIGATION.—

''(1) IN GENERAL.—At the request of the Secretary, the National Transportation Safety Board may conduct an independent investigation of any accident, occurring in the outer Continental Shelf and involving activities under this Act, that does not otherwise fall within the definition of an accident or major marine casualty, as those terms are used in chapter 11 of title 49, United States Code.

''(2) TRANSPORTATION ACCIDENT.—For purposes of an investigation under this subsection, the accident that is the subject of the request by the Secretary shall be determined to be a transportation accident within the meaning of that term in chapter 11 of title 49, United States Code.

''(h) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—

''(1) IN GENERAL.—For each incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken.

''(2) PUBLIC DATABASE.—All data and reports related to an incident described in paragraph (1) shall be maintained in a database that is available to the public.

''(i) INSPECTION FEE.—

''(1) IN GENERAL.—To the extent necessary to fund the inspections described in this paragraph, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the Ocean Energy Enforcement Fund established under paragraph (3), from the designated operator for facilities subject to inspection under subsection (c).

''(2) ESTABLISHMENT.—The Secretary shall establish, by rule, inspection fees—

''(A) at an aggregate level equal to the amount necessary to offset the annual expenses of inspections of outer Continental Shelf facilities (including mobile offshore drilling units) by the Department of the Interior; and

''(B) using a schedule that reflects the differences in complexity among the classes of facilities to be inspected.

''(3) OCEAN ENERGY ENFORCEMENT FUND.—There is established in the Treasury a fund, to be known as the 'Ocean Energy Enforcement Fund' (referred to in this subsection as the 'Fund'), into which shall be deposited amounts collected under paragraph (1) and which shall be available as provided under paragraph (4).

''(4) AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, all amounts collected by the Secretary under this section—

''(A) shall be credited as offsetting collections;

''(B) shall be available for expenditure only for purposes of carrying out inspections of outer Continental Shelf facilities (including mobile offshore drilling units) and the administration of the inspection program;

''(C) shall be available only to the extent provided for in advance in an appropriations Act; and

''(D) shall remain available until expended.

''(5) ANNUAL REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2011, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during the fiscal year.

''(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

''(i) A statement of the amounts deposited into the Fund.

''(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

''(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.''.

(j) REMEDIES AND PENALTIES.—Section 24 of the Outer Continental Shelf Lands Act (43 U.S.C. 1350) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) CIVIL PENALTY.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (3), if any person fails to comply with this Act, any term of a lease or permit issued under this Act, or any regulation or order issued under this Act, the person shall be liable for a civil administrative penalty of not more than $75,000 for each day of continuance of each failure.

''(2) ADMINISTRATION.—The Secretary may assess, collect, and compromise any penalty under paragraph (1).

''(3) HEARING.—No penalty shall be assessed under this subsection until the person charged with a violation has been given the opportunity for a hearing.

''(4) ADJUSTMENT.—The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.'';

(2) in subsection (c)—

(A) in the first sentence, by striking ''$100,000'' and inserting ''$10,000,000''; and

(B) by adding at the end the following: ''The penalty amount specified in this subsection shall increase each year to reflect any increases in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.''; and

(3) in subsection (d), by inserting '', or with reckless disregard,'' after ''knowingly and willfully''.

(k) OIL AND GAS DEVELOPMENT AND PRODUCTION.—Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended by striking '', other than the Gulf of Mexico,'' each place it appears in subsections (a)(1), (b), and (e)(1).

(l) CONFLICTS OF INTEREST.—Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended to read as follows:

**''SEC. 29. CONFLICTS OF INTEREST.**

''(a) RESTRICTIONS ON EMPLOYMENT.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall—

''(1) within 2 years after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid, advise, or assist in—

''(i) representing any other person (except the United States in any formal or informal appearance before; or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

any department, agency, or court of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, regulation, order lease, permit, rulemaking, inspection, enforcement action, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest which was actually pending under his official responsibility as an officer or employee within a period of one year prior to the termination of such responsibility or in which he participated personally and substantially as an officer or employee;

''(2) within 1 year after his employment with the Department has ceased—

''(A) knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before;

''(B) with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to; or

''(C) knowingly aid , advise, or assist in —

''(i) representing any other person (except the United States in any formal or informal appearance before, or

''(ii) making, with the intent to influence, any oral or written communication on behalf of any other person (except the United States) to,

the Department of the Interior, or any officer or employee thereof, in connection with any judicial, rulemaking, regulation, order, lease, permit, regulation, inspection, enforcement action, or other particular matter which is pending before the Department of the Interior or in which the Department has a direct and substantial interest; or

''(3) accept employment or compensation, during the 1-year period beginning on the date on which employment with the Department has ceased, from any person (other than the United States) that has a direct and substantial interest—

''(A) that was pending under the official responsibility of the employee as an officer or employee of the Department during the 1-year period preceding the termination of the responsibility; or

''(B) in which the employee participated personally and substantially as an officer or employee.

''(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

''(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

''(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

''(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

''(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee has a financial interest.

''(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title V, Code of Federal Regulations (or successor regulations).

''(d) EXEMPTIONS.—The Secretary may, by rule, exempt from this section clerical and support personnel who do not conduct inspections, perform audits, or otherwise exercise regulatory or policy making authority under this Act.

''(e) PENALTIES.—

''(1) CRIMINAL PENALTIES.—Any person who violates paragraph (1) or (2) of subsection (a) or subsection (b) shall be punished in accordance with section 216 of title 18, United States Code.

''(2) CIVIL PENALTIES.—Any person who violates subsection (a)(3) or (c) shall be punished in accordance with subsection (b) of section 216 of title 18, United States Code.''.

**SEC. 7. STUDY ON THE EFFECT OF THE MORATORIA ON NEW DEEPWATER DRILLING IN THE GULF OF MEXICO ON EMPLOYMENT AND SMALL BUSINESSES.**

(a) IN GENERAL.—The Secretary of Energy, acting through the Energy Information Administration, shall publish a monthly study evaluating the effect of the moratoria resulting from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment, on employment and small businesses.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act and at the beginning of each month thereafter during the effective period of the moratoria described in subsection (a), the Secretary of Energy, acting through the Energy Information Administration, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the results of the study conducted under subsection (a), including—

(1) a survey of the effect of the moratoria on deepwater drilling on employment in the industries directly involved in oil and natural gas exploration in the outer Continental Shelf;

(2) a survey of the effect of the moratoria on employment in the industries indirectly involved in oil and natural gas exploration in the outer Continental Shelf, including suppliers of supplies or services and customers of industries directly involved in oil and natural gas exploration;

(3) an estimate of the effect of the moratoria on the revenues of small business located near the Gulf of Mexico and, to the maximum extent practicable, throughout the United States; and

(4) any recommendations to mitigate possible negative effects on small business concerns resulting from the moratoria.

**SEC. 8. REFORM OF OTHER LAW.**

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58) is amended by adding at the end the following:

''(4) FEDERAL AGENCIES.—Any head of a Federal department or agency shall, on request of the Secretary, provide to the Secretary all data and information that the Secretary determines to be necessary for the purpose of including the data and information in the mapping initiative, except that no Federal department or agency shall be required to provide any data or information that is privileged or proprietary.''.

**SEC. 9. SAFER OIL AND GAS PRODUCTION.**

(a) PROGRAM AUTHORITY.—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking ''ultra-deepwater'' and inserting ''deepwater''; and

(B) by inserting ''well control and accident prevention,'' after ''safe operations,'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) Deepwater architecture, well control and accident prevention, and deepwater technology, including drilling to deep formations in waters greater than 500 feet.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) Safety technology research and development for drilling activities aimed at well control and accident prevention performed by the Office of Fossil Energy of the Department.''; and

(3) in subsection (d)—

(A) in the subsection heading, by striking ''NATIONAL ENERGY TECHNOLOGY LABORATORY'' and inserting ''OFFICE OF FOSSIL ENERGY OF THE DEPARTMENT''; and

(B) by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(b) DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking ''**ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM**'' and inserting ''**SAFE OIL AND GAS PRODUCTION AND ACCIDENT PREVENTION**'';

(2) in subsection (a), by striking '', by increasing'' and all that follows through the period at the end and inserting ''and the safe and environmentally responsible exploration, development, and production of hydrocarbon resources.'';

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) projects will be selected on a competitive, peer-reviewed basis.''; and

(4) in subsection (d)—

(A) in paragraph (6), by striking ''ultra-deepwater'' and inserting ''deepwater'';

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''ULTRA-DEEPWATER'' and inserting ''DEEPWATER'';

(II) by striking ''development and'' and inserting ''research, development, and''; and

(III) by striking ''as well as'' and all that follows through the period at the end and inserting ''aimed at improving operational safety of drilling activities, including well integrity systems, well control, blowout prevention, the use of non-toxic materials, and integrated systems approach-based management for exploration and production in deepwater.'';

(ii) in subparagraph (B), by striking ''and environmental mitigation'' and inserting ''use of non-toxic materials, drilling safety, and environmental mitigation and accident prevention'';

(iii) in subparagraph (C), by inserting ''safety and accident prevention, well control and systems integrity,'' after ''including''; and

(iv) by adding at the end the following:

''(D) SAFETY AND ACCIDENT PREVENTION TECHNOLOGY RESEARCH AND DEVELOPMENT.—Awards from allocations under section 999H(d)(4) shall be expended on areas including—

''(i) development of improved cementing and casing technologies;

''(ii) best management practices for cementing, casing, and other well control activities and technologies;

''(iii) development of integrity and stewardship guidelines for—

''(I) well-plugging and abandonment;

''(II) development of wellbore sealant technologies; and

''(III) improvement and standardization of blowout prevention devices.''; and

(C) by adding at the end the following:

''(8) STUDY; REPORT.—

''(A) STUDY.—As soon as practicable after the date of enactment of this paragraph, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to determine—

''(i) whether the benefits provided through each award under this subsection during calendar year 2011 have been maximized; and

''(ii) the new areas of research that could be carried out to meet the overall objectives of the program.

''(B) REPORT.—Not later than January 1, 2012, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under subparagraph (A).

''(C) OPTIONAL UPDATES.—The Secretary may update the report described in subparagraph (B) for the 5-year period beginning on

the date described in that subparagraph and each 5-year period thereafter.'';

(5) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting ''to the Secretary for review'' after ''submit''; and

(ii) in the first sentence of subparagraph (B), by striking ''Ultra-Deepwater'' and all that follows through ''and such Advisory Committees'' and inserting ''Program Advisory Committee established under section 999D(a), and the Advisory Committee''; and

(B) by adding at the end the following:

''(6) RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.—The Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and any recommendations for implementation that the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, determines to be necessary.'';

(6) in subsection (i)—

(A) in the subsection heading, by striking ''UNITED STATES GEOLOGICAL SURVEY'' and inserting ''DEPARTMENT OF THE INTERIOR''; and

(B) by striking '', through the United States Geological Survey,''; and

(7) in the first sentence of subsection (j), by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

(c) ADDITIONAL REQUIREMENTS FOR AWARDS.—Section 999C(b) of the Energy Policy Act of 2005 (42 U.S.C. 16373(b)) is amended by striking ''an ultra-deepwater technology or an ultra-deepwater architecture'' and inserting ''a deepwater technology''.

(d) PROGRAM ADVISORY COMMITTEE.—Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

**''SEC. 999D. PROGRAM ADVISORY COMMITTEE.**

''(a) ESTABLISHMENT.—Not later than 270 days after the date of enactment of the Safe and Responsible Energy Production Improvement Act of 2010, the Secretary shall establish an advisory committee to be known as the 'Program Advisory Committee' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, including—

''(A) individuals with extensive research experience or operational knowledge of hydrocarbon exploration and production;

''(B) individuals broadly representative of the affected interests in hydrocarbon production, including interests in environmental protection and safety operations;

''(C) representatives of Federal agencies, including the Environmental Protection Agency and the Department of the Interior;

''(D) State regulatory agency representatives; and

''(E) other individuals, as determined by the Secretary.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

''(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (A), (B), (D), or (E) of paragraph (1) comprises more than ⅓ of the membership of the Advisory Committee.

''(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees for separate research programs carried out under this subtitle.

''(d) DUTIES.—The Advisory Committee shall—

''(1) advise the Secretary on the development and implementation of programs under this subtitle; and

''(2) carry out section 999B(e)(2)(B).

''(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.''.

(e) DEFINITIONS.—Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking ''200 but less than 1,500 meters'' and inserting ''500 feet'';

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively;

(4) by inserting after paragraph (1) the following:

''(2) DEEPWATER ARCHITECTURE.—The term 'deepwater architecture' means the integration of technologies for the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

''(3) DEEPWATER TECHNOLOGY.—The term 'deepwater technology' means a discrete technology that is specially suited to address 1 or more challenges associated with the exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.''; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking ''in an economically inaccessible geological formation, including resources of small producers''.

(f) FUNDING.—Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safe and Responsible Energy Production Research Fund'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''35 percent'' and inserting ''21.5 percent'';

(B) in paragraph (2), by striking ''32.5 percent'' and inserting ''21 percent'';

(C) in paragraph (4)—

(i) by striking ''25 percent'' and inserting ''30 percent'';

(ii) by striking ''complementary research'' and inserting ''safety technology research and development''; and

(iii) by striking ''contract management,'' and all that follows through the period at the end and inserting ''and contract management.''; and

(D) by adding at the end the following:

''(5) 20 percent shall be used for research activities required under sections 20 and 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346, 1347).''.

(3) in subsection (f), by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safer Oil and Gas Production and Accident Prevention Research Fund''.

(g) CONFORMING AMENDMENT.—Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking ''**Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources**'' and inserting ''**Safer Oil and Gas Production and Accident Prevention**''.

**SEC. 10. NATIONAL COMMISSION ON OUTER CONTINENTAL SHELF OIL SPILL PREVENTION.**

(a) ESTABLISHMENT.—There is established in the Legislative branch the National Commission on Outer Continental Shelf Oil Spill Prevention (referred to in this section as the ''Commission'').

(b) PURPOSES.—The purposes of the Commission are—

(1) to examine and report on the facts and causes relating to the Deepwater Horizon explosion and oil spill of 2010;

(2) to ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the incident;

(3) to build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate;

(B) the Committee on Natural Resources and the Subcommittee on Oversight and Investigations of the House of Representatives; and

(C) other Executive branch, congressional, or independent commission investigations into the Deepwater Horizon incident of 2010, other fatal oil platform accidents and major spills, and major oil spills generally;

(4) to make a full and complete accounting of the circumstances surrounding the incident, and the extent of the preparedness of the United States for, and immediate response of the United States to, the incident; and

(5) to investigate and report to the President and Congress findings, conclusions, and recommendations for corrective measures that may be taken to prevent similar incidents.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 1 member shall be appointed by the President, who shall serve as Chairperson of the Commission;

(B) 1 member shall be appointed by the majority or minority (as the case may be) leader of the Senate from the Republican Party and the majority or minority (as the case may be) leader of the House of Representatives from the Republican Party, who shall serve as Vice Chairperson of the Commission;

(C) 2 members shall be appointed by the senior member of the leadership of the Senate from the Democratic Party;

(D) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Republican Party;

(E) 2 members shall be appointed by the senior member of the leadership of the Senate from the Republican Party; and

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives from the Democratic Party.

(2) QUALIFICATIONS; INITIAL MEETING.—

(A) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(B) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be a current officer or employee of the Federal Government or any State or local government.

(C) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience and expertise in such areas as—

(i) engineering;

(ii) environmental compliance;

(iii) health and safety law (particularly oil spill legislation);

(iv) oil spill insurance policies;

(v) public administration;

(vi) oil and gas exploration and production;

(vii) environmental cleanup; and

(viii) fisheries and wildlife management.

(D) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before September 15, 2010.

(E) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(3) QUORUM; VACANCIES.—

(A) IN GENERAL.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of the members of the Commission.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner in which the original appointment was made.

(d) FUNCTIONS OF COMMISSION.—

(1) IN GENERAL.—The functions of the Commission are—

(A) to conduct an investigation that—

(i) investigates relevant facts and circumstances relating to the Deepwater Horizon incident of April 20, 2010, and the associated oil spill thereafter, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(ii) may include relevant facts and circumstances relating to—

(I) permitting agencies;

(II) environmental and worker safety law enforcement agencies;

(III) national energy requirements;

(IV) deepwater and ultradeepwater oil and gas exploration and development;

(V) regulatory specifications, testing, and requirements for offshore oil and gas well explosion prevention;

(VI) regulatory specifications, testing, and requirements offshore oil and gas well casing and cementing regulation;

(VII) the role of congressional oversight and resource allocation; and

(VIII) other areas of the public and private sectors determined to be relevant to the Deepwater Horizon incident by the Commission;

(B) to identify, review, and evaluate the lessons learned from the Deepwater Horizon incident of April 20, 2010, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, and the private sector, relative to detecting, preventing, and responding to those incidents; and

(C) to submit to the President and Congress such reports as are required under this section containing such findings, conclusions, and recommendations as the Commission determines to be appropriate, including proposals for organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(2) RELATIONSHIP TO INQUIRY BY CONGRESSIONAL COMMITTEES.—In investigating facts and circumstances relating to energy policy, the Commission shall—

(A) first review the information compiled by, and any findings, conclusions, and recommendations of, the committees identified in subparagraphs (A) and (B) of subsection (b)(3); and

(B) after completion of that review, pursue any appropriate area of inquiry, if the Commission determines that—

(i) those committees have not investigated that area;

(ii) the investigation of that area by those committees has not been completed; or

(iii) new information not reviewed by the committees has become available with respect to that area.

(e) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or such subcommittee or member considers to be advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this paragraph only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), a subpoena issued under this paragraph—

(I) shall bear the signature of the Chairperson or any member designated by a majority of the Commission;

(II) and may be served by any person or class of persons designated by the Chairperson or by a member designated by a majority of the Commission for that purpose.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(ii) JUDICIAL ACTION FOR NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this section.

(B) COOPERATION.—Each Federal department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the Chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(C) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall be received, handled, stored, and disseminated only by members of the Commission and the staff of the Commission in accordance with all applicable laws (including regulations and Executive orders).

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as are determined to be advisable and authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property, including travel, for the direct advancement of the functions of the Commission.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) PUBLIC MEETINGS AND HEARINGS.—

(1) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(A) hold public hearings and meetings, to the extent appropriate; and

(B) release public versions of the reports required under paragraphs (1) and (2) of subsection (j).

(2) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of proprietary or sensitive information provided to or developed for or by the Commission as required by any applicable law (including a regulation or Executive order).

(g) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—

(i) IN GENERAL.—The Chairperson, in consultation with the Vice Chairperson and in accordance with rules agreed upon by the Commission, may, without regard to the civil service laws (including regulations), appoint and fix the compensation of a staff director and such other personnel as are necessary to enable the Commission to carry out the functions of the Commission.

(ii) MAXIMUM RATE OF PAY.—No rate of pay fixed under this subparagraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be considered to be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not apply to members of the Commission.

(2) DETAILEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the

Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(h) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(i) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the maximum extent practicable, pursuant to existing procedures and requirements.

(2) PROPRIETARY INFORMATION.—No person shall be provided with access to proprietary information under this section without the appropriate security clearances.

(j) REPORTS OF COMMISSION; ADJOURNMENT.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(2) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of members of the Commission.

(3) TEMPORARY ADJOURNMENT.—

(A) IN GENERAL.—The Commission, and all the authority provided under this section, shall adjourn and be suspended, respectively, on the date that is 60 days after the date on which the final report is submitted under paragraph (2).

(B) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subparagraph (A) for the purpose of concluding activities of the Commission, including—

(i) providing testimony to committees of Congress concerning reports of the Commission; and

(ii) disseminating the final report submitted under paragraph (2).

(C) RECONVENING OF COMMISSION.—The Commission shall stand adjourned until such time as the President or the Secretary of Homeland Security declares an oil spill of national significance to have occurred, at which time—

(i) the Commission shall reconvene in accordance with subsection (c)(3); and

(ii) the authority of the Commission under this section shall be of full force and effect.

(k) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $10,000,000 for the first fiscal year in which the Commission convenes; and

(B) $3,000,000 for each fiscal year thereafter in which the Commission convenes.

(2) AVAILABILITY.—Amounts made available to carry out this section shall be available—

(A) for transfer to the Commission for use in carrying out the functions and activities of the Commission under this section; and

(B) until the date on which the Commission adjourns for the fiscal year under subsection (j)(3).

(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

**SEC. 11. CLASSIFICATION OF OFFSHORE SYSTEMS.**

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall jointly issue regulations requiring systems (including existing systems) used in the offshore exploration, development, and production of oil and gas in the outer Continental Shelf to be constructed, maintained, and operated so as to meet classification, certification, rating, and inspection standards that are necessary—

(A) to protect the health and safety of affiliated workers; and

(B) to prevent environmental degradation.

(2) THIRD-PARTY VERIFICATION.—The standards established by regulation under paragraph (1) shall be verified through certification and classification by independent third parties that—

(A) have been preapproved by both the Secretary and the Secretary of the Department in which the Coast Guard is operating; and

(B) have no financial conflict of interest in conducting the duties of the third parties.

(3) MINIMUM SYSTEMS COVERED.—At a minimum, the regulations issued under paragraph (1) shall require the certification and classification by an independent third party who meets the requirements of paragraph (2) of—

(A) mobile offshore drilling units;

(B) fixed and floating drilling or production facilities;

(C) drilling systems, including risers and blowout preventers; and

(D) any other equipment dedicated to the safety systems relating to offshore extraction and production of oil and gas.

(4) EXCEPTIONS.—The Secretary and the Secretary of the Department in which the Coast Guard is operating may waive the standards established by regulation under paragraph (1) for an existing system only if—

(A) the system is of an age or type where meeting such requirements is impractical; and

(B) the system poses an acceptably low level of risk to the environment and to human safety.

(b) AUTHORITY OF COAST GUARD.—Nothing in this section preempts or interferes with the authority of the Coast Guard.

**SEC. 12. SAVINGS PROVISIONS.**

(a) EXISTING LAW.—All regulations, rules, standards, determinations, contracts and agreements, memoranda of understanding, certifications, authorizations, appointments, delegations, results and findings of investigations, or any other actions issued, made, or taken by, or pursuant to or under, the authority of any law (including regulations) that resulted in the assignment of functions or activities to the Secretary, the Director of the Minerals Management Service (including by delegation from the Secretary), or the Department (as related to the implementation of the purposes referenced in this Act) that were in effect on the date of enactment of this Act shall continue in full force and effect after the date of enactment of this Act unless previously scheduled to expire or until otherwise modified or rescinded by this Act or any other Act.

(b) EFFECT ON OTHER AUTHORITIES.—This Act does not amend or alter the provisions of other applicable laws, unless otherwise noted.

**SEC. 13. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

---

By Mr. HARKIN (for himself and Mrs. GILLIBRAND):

S. 919. A bill to authorize grant programs to ensure successful, safe, and healthy students; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, one of our greatest national priorities is ensuring that all students in all schools are in settings that are safe; classrooms that support learning; situations that ensure our children will be successful.

To be a successful student, to be a contributing citizen to our democracy, to be prepared for college and the workforce of tomorrow, our students need to be of sound mind, of sound body, and have access to resources that will support their success.

Students who travel to school safely; who attend classes in structurally sound buildings where the adults model positive teamwork and collaboration skills; where good nutrition is available and where opportunities for physical activity are available and expected; where they have a safe, supportive social environment, students who have all of these conditions in their schools will be prepared to achieve high academic standards.

In a country where almost one in every five children is obese, where thousands of students are bullied and harassed daily, and where access to high-quality mental and physical health care is limited, students must have these basic conditions for learning in order to be successful.

While the Department of Justice reports that the rate of serious incidents of school violence continue to decline, according to the National Center for Education Statistics, bullying remains a pervasive problem that affects almost one in four students each year. As

we have seen in recent times, sometimes bullying results in the worst possible tragedy, the death of a child.

Fifteen-year-old Phoebe Prince, a freshman at South Hadley High School in Massachusetts, endured nearly three months of routine torment by classmates. On January 14, 2010, Phoebe hanged herself in the stairwell of her family's home, following weeks of taunting by classmates. The day before she died, she told a friend: ''School has been close to intolerable lately.'' In California, thirteen-year-old Seth Walsh committed suicide this past October because of the bullying he experienced in his school. We need to have the expectations in all of our schools that all students will be valued and all students will have a safe haven to learn and achieve. In New York City, middle schooler Gurwinder Singh was targeted by bullies who bashed his head into a metal pole while bystanders watched, because of his Sikh religion. Luckily, Gurwinder survived, and has become an outspoken proponent of bullying prevention. We cannot stand idly by when school becomes a hostile place for kids.

Thus, today, I am introducing the Successful, Safe and Healthy Students Act. This legislation will advance student achievement and promote the positive physical, mental, and emotional health of students throughout the nation. It will help to reduce violence in schools, prevent bullying and harassment, help students make responsible choices about drugs, tobacco, and alcohol, and create the type of school environments where students can do their best work and achieve the highest possible academic outcomes, while also becoming healthy, happy and productive members of their communities.

Essential conditions for learning include schools that provide for adequate physical activity, positive mental health, and safe environments. Those conditions include physical and emotional safety for both students and school personnel and promote positive character development in our youth. Schools with the essential conditions for learning also provide for opportunities for good nutrition and healthy living, and are free of violence, harassment, bullying and other forms of interpersonal aggression. Schools that have the right conditions for learning are free of weapons and prevent the use and abuse of drugs and alcohol. And schools with good conditions for learning have positive adult role models with high expectations for students' development, conduct, and academic achievement.

For those who might be skeptical about these critical conditions for learning, we only need to look to the States and their efforts to improve school performance and accountability. Many States are moving beyond the limited measures of school performance required by No Child Left Behind and have started to collect data on school-wide factors that are associated with student success. Some of these areas include school climate, physical activity of students, and physical and emotional safety. In fact, a March 2011 report from the RAND Corporation indicated that many States are now establishing accountability systems that include school safety, school climate, family involvement, and student engagement.

This legislation will provide to each State the support necessary to measure the conditions for learning in each school in each school in the State. Resources will also be available to offer grants to school districts to establish policies and activities to improve the conditions for learning in each of their schools. This legislation gives State and local school districts the resources and opportunities to create safe, healthy schools that will enhance the academic achievement of students.

This legislation is an essential tool for our States and local schools to support students who are prepared for college, a career, and to be world-class citizens.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 919

*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 ''Successful, Safe, and Healthy Students Act of 2011''.

**SEC. 2. PURPOSE.**

The purpose of this Act is to assist States in developing and implementing comprehensive programs and strategies to foster positive conditions for learning in public schools, in order to increase academic achievement for all students through the provision of Federal assistance to States for—

(1) promotion of student physical health and well-being, nutrition, and fitness;

(2) promotion of student mental health and well-being;

(3) prevention of violence, harassment (which includes bullying), and substance abuse among students; and

(4) promotion of safe and supportive schools.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CHILD AND ADOLESCENT PSYCHIATRIST; OTHER QUALIFIED PSYCHOLOGIST; SCHOOL COUNSELOR; SCHOOL PSYCHOLOGIST; SCHOOL SOCIAL WORKER.—The terms ''child and adolescent psychiatrist'', ''other qualified psychologist'', ''school counselor'', ''school psychologist'', and ''school social worker'' shall have the meanings given the terms in section 5421(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)).

(2) CONDITIONS FOR LEARNING.—The term ''conditions for learning'' means conditions that advance student achievement and positive child and youth development by proactively supporting schools (inclusive of in and around the school building, pathways to and from the school and students' homes, school-sponsored activities, and electronic and social media involving students or school personnel) that—

(A) promote physical, mental, and emotional health;

(B) ensure physical and emotional safety for students and staff;

(C) promote social, emotional, and character development; and

(D) have the following attributes:

(i) Provide opportunities for physical activity, good nutrition, and healthy living.

(ii) Are free of harassment (which includes bullying), abuse, dating violence, and all other forms of interpersonal aggression or violence.

(iii) Prevent use and abuse of drugs (including tobacco, alcohol, illegal drugs, and unauthorized use of pharmaceuticals).

(iv) Are free of weapons.

(v) Do not condone or tolerate unhealthy or harmful behaviors, including discrimination of any kind.

(vi) Help staff and students to model positive social and emotional skills, including tolerance and respect for others.

(vii) Promote concern for the well-being of students, including through the presence of caring adults.

(viii) Employ adults who have—

(I) high expectations for student conduct, character, and academic achievement; and

(II) the capacity to establish supportive relationships with students.

(ix) Engage families and community members in meaningful and sustained ways to promote positive student academic achievement, developmental, and social outcomes.

(3) CONDITIONS FOR LEARNING MEASUREMENT SYSTEM.—

(A) IN GENERAL.—The term ''conditions for learning measurement system'' means a State reporting and information system that measures conditions for learning in the State and is, to the extent possible, part of the State's statewide longitudinal data system and with the State's system for reporting the data required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311).

(B) DESCRIPTION OF SYSTEM.—Such system shall—

(i) contain, at a minimum, data from valid and reliable surveys of students and staff and the indicators in clause (ii) that allow staff at the State, local educational agencies, and schools to examine and improve school-level conditions for learning;

(ii) collect school-level data on—

(I) physical education indicators;

(II) individual student attendance and truancy;

(III) in-school suspensions, out-of-school suspensions, expulsions, referrals to law enforcement, school-based arrests, and disciplinary transfers (including placements in alternative schools) by student;

(IV) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in disciplinary action in elementary schools and secondary schools in the State; and

(V) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence, including harassment (which includes bullying), by youth and school personnel in schools and communities;

(iii) collect and report data, including, at a minimum, the data described in subclauses (II), (III), and (V) of clause (ii), in the aggregate and disaggregated by the categories of race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and cross tabulated across all of such categories by gender and by disability;

(iv) protect student privacy, consistent with applicable data privacy laws and regulations, including section 444 of the General Education Provisions Act (20 U.S.C. 1232g,

commonly known as the ''Family Educational Rights and Privacy Act of 1974''); and

(v) to the extent possible, utilize a web-based reporting system.

(C) COMPILING STATISTICS.—In compiling the statistics required to measure conditions for learning in the State—

(i) the offenses described in subparagraph (B)(ii)(IV) shall be defined pursuant to the State's criminal code, and aligned to the extent possible, with the Federal Bureau of Investigation's Uniform Crime Reports categories, but shall not identify victims of crimes or persons accused of crimes and the collected data shall include incident reports by school officials, anonymous student surveys, and anonymous teacher surveys;

(ii) the performance metrics that are established under section 5(i) shall be collected and the performance on such metrics shall be defined and reported uniformly statewide;

(iii) the State shall collect, analyze, and use the data under subparagraph (B)(ii), as required under section 5(g)(5), at least annually, except the indicators under subparagraph (B)(ii)(V) may be collected, at a minimum, every 2 years; and

(iv) grant recipients and subgrant recipients shall use the data for planning and continuous improvement of activities implemented under this Act, and may collect data for indicators that are locally defined, and that are not reported to the State, to meet local needs (so long as such indicators are aligned with the conditions for learning).

(4) DRUG AND VIOLENCE PREVENTION.—The term ''drug and violence prevention'' means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the abuse and illegal use of drugs (including tobacco, alcohol, illegal drugs, and unauthorized use of pharmaceuticals) to—

(i) raise awareness about the costs and consequences of substance use and abuse;

(ii) change attitudes, perceptions, and social norms about the dangers and acceptability of alcohol, tobacco, and drugs; and

(iii) reduce access to and use of alcohol, tobacco, and drugs; and

(B) with respect to violence, the promotion of school safety on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that—

(i) is free of weapons;

(ii) fosters individual responsibility and respect for the rights and dignity of others;

(iii) employs positive, preventative approaches to school discipline, such as schoolwide positive behavior supports and restorative justice, that improve student engagement while minimizing students' removal from instruction and reducing disparities among the subgroups of students described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)); and

(iv) demonstrates preparedness and readiness to respond to, and recover from, incidents of school violence, such that students and school personnel are free from—

(I) violent and disruptive acts;

(II) harassment (which includes bullying);

(III) sexual harassment, dating violence, and abuse; and

(IV) victimization associated with prejudice and intolerance.

(5) ELIGIBLE LOCAL APPLICANT.—The term ''eligible local applicant'' means a local educational agency, a consortium of local educational agencies, or a nonprofit organization that has a track record of success in implementing the proposed activities and has signed a memorandum of understanding with a local educational agency or consortium of local educational agencies to—

(A) implement school-based activities; and

(B) conduct school-level measurement of conditions for learning that are consistent with this Act.

(6) HARASSMENT.—The term ''harassment'' means conduct, including bullying, that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a program or activity of a public school or educational agency, or to create a hostile or abusive educational environment at a program or activity of a public school or educational agency, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, if such conduct is based on—

(A) a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion;

(B) the actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion of a person with whom a student associates or has associated; or

(C) any other distinguishing characteristics that may be defined by a State or local educational agency.

(7) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) PHYSICAL EDUCATION INDICATORS.—The term ''physical education indicators'' means a set of measures for instruction on physical activity, health-related fitness, physical competence, and cognitive understanding about physical activity. Such indicators shall be publicly reported annually in the State's conditions for learning measurement system, and shall include—

(A) for the State, for each local educational agency in the State, and for each school in the State, the average number of minutes that all students spend in required physical education, and the average number of minutes that all students engage in moderate to vigorous physical activity, as measured against established recommended guidelines of the Centers for Disease Control and Prevention and the Department of Health and Human Services;

(B) for the State, the percentage of local educational agencies that have a required, age-appropriate physical education curriculum that adheres to Centers for Disease Control and Prevention guidelines and State standards;

(C) for the State, for each local educational agency in the State, and for each school in the State, the percentage of elementary school and secondary school physical education teachers who are State licensed or certified to teach physical education;

(D) for the State, and for each local educational agency in the State, the percentage of schools that have a State certified or licensed physical education teacher certified in adapted physical education; and

(E) for each school in the State, the number of indoor square feet and the number of outdoor square feet used primarily for physical education.

(9) PROGRAMS TO PROMOTE MENTAL HEALTH.—The term ''programs to promote mental health'' means programs that—

(A) develop students' social and emotional competencies; and

(B) link students with local mental health systems as follows:

(i) Enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students, and to improve student social emotional competencies.

(ii) Enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services, including suicide prevention, and ongoing mental health services.

(iii) Provide training for the school personnel and mental health professionals who will participate in the program.

(iv) Provide technical assistance and consultation to school systems, mental health agencies, and families participating in the program.

(v) Provide services that establish or expand school counseling and mental health programs that—

(I) are comprehensive in addressing the counseling, social, emotional, behavioral, mental health, and educational needs of all students;

(II) use a developmental, preventive approach to counseling and mental health services;

(III) are linguistically appropriate and culturally responsive;

(IV) increase the range, availability, quantity, and quality of counseling and mental health services in the elementary schools and secondary schools of the local educational agency;

(V) expand counseling and mental health services through school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

(VI) use innovative approaches to—

(aa) increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning; or

(bb) improve peer interaction;

(VII) provide counseling and mental health services in settings that meet the range of student needs;

(VIII) include professional development appropriate to the activities covered in this paragraph for teachers, school leaders, instructional staff, and appropriate school personnel, including training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

(IX) ensure a team approach to school counseling and mental health services in the schools served by the local educational agency;

(X) ensure work toward ratios recommended—

(aa) by the American School Counselor Association of 1 school counselor to 250 students;

(bb) by the School Social Work Association of America of 1 school social worker to 400 students; and

(cc) by the National Association of School Psychologists of 1 school psychologist to 700 students; and

(XI) ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this program spend a majority of their time counseling or providing mental health services to students or in other activities directly related to such processes.

(10) PROGRAMS TO PROMOTE PHYSICAL ACTIVITY, EDUCATION, FITNESS, AND NUTRITION.—The term ''programs to promote physical activity, education, fitness, and nutrition'' means programs that increase and enable active student participation in physical well-being activities and provide teacher professional development. Such programs shall be

comprehensive in nature, and include opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education, and 1 or more of the following activities:

(A) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

(B) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, social, and emotional development of every student.

(C) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

(D) Opportunities to develop positive social and cooperative skills through physical activity.

(E) Instruction in healthy eating habits and good nutrition.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(12) STATE.—The term ''State'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

**SEC. 4. RESERVATIONS.**

From amounts made available under section 9, the Secretary shall reserve—

(1) for the first 3 years for which funding is made available under such section to carry out this Act—

(A) not more than 30 percent of such amounts or $30,000,000, whichever amount is more, for State conditions for learning measurement system grants, distributed to every State (by an application process consistent with section 5(d)(1)) in an amount proportional to each State's share of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), to develop the State's conditions for learning measurement system, and to conduct a needs analysis to meet the requirements of section 5(d)(2)(D); and

(B) not more than 68 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 5;

(2) for the fourth year and each subsequent year for which funding is made available under section 9 to carry out this Act, not less than 98 percent of such amounts for Successful, Safe, and Healthy Students State Grants under section 5; and

(3) in each year for which funding is made available under section 9 to carry out this Act, not more than 2 percent of such amounts for technical assistance and evaluation.

**SEC. 5. SUCCESSFUL, SAFE, AND HEALTHY STUDENTS STATE GRANTS.**

(a) PURPOSE.—The purpose of this section is to provide funding to States to implement comprehensive programs that address conditions for learning in schools in the State. Such programs shall be based on —

(1) scientifically valid research; and

(2) an analysis of need that considers, at a minimum, the indicators in the conditions for learning measurement system.

(b) STATE GRANTS.—

(1) IN GENERAL.—From amounts reserved under section 4 for Successful, Safe, and Healthy Students State Grants, the Secretary shall award grants to States to carry out the purpose of this section.

(2) AWARDS TO STATES.—

(A) FORMULA GRANTS.—If the total amount reserved under section 4 for Successful, Safe, and Healthy Students State Grants for a fiscal year is $500,000,000 or more, the Secretary shall allot to each State with an approved application an amount that bears the same relationship to such total amount as the amount received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) by such State for such fiscal year bears to the amount received under such part for such fiscal year by all States.

(B) COMPETITIVE GRANTS.—

(i) IN GENERAL.—If the total amount reserved under section 4 for Successful, Safe, and Healthy Students State Grants for a fiscal year is less than $500,000,000, the Secretary shall award grants under this section on a competitive basis.

(ii) SUFFICIENT SIZE AND SCOPE.—In awarding grants on a competitive basis pursuant to clause (i), the Secretary shall ensure that grant awards are of sufficient size and scope to carry out required and approved activities under this section.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall demonstrate that it has—

(1) established a statewide physical education requirement that is consistent with widely recognized standards; and

(2) required all local educational agencies in the State to—

(A) establish policies that prevent and prohibit harassment (which includes bullying) in schools; and

(B) provide—

(i) annual notice to parents and students describing the full range of prohibited conduct contained in such local educational agency's discipline policies; and

(ii) grievance procedures for students or parents to register complaints regarding the prohibited conduct contained in such local educational agency's discipline policies, including—

(I) the name of the local educational agency officials who are designated as responsible for receiving such complaints; and

(II) timelines that the local educational agency will follow in the resolution of such complaints.

(d) APPLICATIONS.—

(1) IN GENERAL.—A State that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENT OF APPLICATION.—At a minimum, the application shall include—

(A) documentation of the State's eligibility to receive a grant under this section, as described in subsection (c);

(B) an assurance that the policies used to prohibit harassment (which includes bullying) in schools required under subsection (c)(2)(A) emphasize alternatives to school suspension that minimize students' removal from grade-level instruction, promote mental health, and only allow out-of-school punishments in severe or persistent cases;

(C) a plan for improving conditions for learning in schools in the State in a manner consistent with the requirements of the program that may be a part of a broader statewide child and youth plan, if such a plan exists and is consistent with the requirements of this Act;

(D) a needs analysis of the conditions for learning in schools in the State, which—

(i) shall include a description of, and data measuring, the State's conditions for learning; and

(ii) may be a part of a broader statewide child and youth needs analysis, if such an analysis exists and is consistent with the requirements of this Act;

(E) a description of how the activities the State proposes to implement with grant funds are responsive to the results of the needs analysis described in subparagraph (C); and

(F) a description of how the State will—

(i) develop, adopt, adapt, or implement the State's conditions for learning measurement system, and how the State will ensure that all local educational agencies and schools in the State participate in such system;

(ii) ensure the quality of the State's conditions for learning data collection, including the State's plan for survey administration and for ensuring the reliability and validity of survey instruments;

(iii) coordinate the proposed activities with other Federal and State programs, including programs funded under this Act, which may include programs to expand learning time and for before- and after-school programming in order to provide sufficient time to carry out the activities described in this Act;

(iv) assist local educational agencies to align activities with funds the agencies receive under the program with other funding sources in order to support a coherent and non-duplicative program;

(v) solicit and approve subgrant applications, including how the State will—

(I) allocate funds for statewide activities and subgrants for each year of the grant, consistent with allocation requirements under subsection (h)(2); and

(II) consider the results of the analysis described in subparagraph (C) in the State's distribution of subgrants;

(vi) address the needs of diverse geographic areas in the State, including rural and urban communities;

(vii) provide assistance to local educational agencies and schools in their efforts to prevent and appropriately respond to incidents of harassment (which includes bullying), including building the capacity of such agencies and schools to educate family and community members regarding the agencies' and schools' respective roles in preventing and responding to such incidents; and

(viii) provide assistance to local educational agencies and schools in their efforts to implement positive, preventative approaches to school discipline, such as schoolwide positive behavior supports and restorative justice, that improve student engagement while minimizing students' removal from instruction and reducing significant school discipline rates and disciplinary disparities among the subgroups of students described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)).

(3) PEER REVIEW.—The Secretary shall establish a peer review process to review applications submitted under this subsection.

(e) DURATION.—

(1) IN GENERAL.—A State that receives a grant under this section may receive funding for not more than 5 years in accordance with this subsection.

(2) INITIAL PERIOD.—The Secretary shall award grants under this section for an initial period of not more than 3 years.

(3) GRANT EXTENSION.—The Secretary may extend a competitive grant awarded to a State under this section for not more than an additional 2 years if the State shows sufficient improvement, as determined by the Secretary, against baseline data for the performance metrics established under subsection (i).

(f) RESERVATION AND USE OF FUNDS.—A State that receives a grant under this section shall—

(1) reserve not more than 10 percent of the grant funds for administration of the program, technical assistance, and the development, improvement, and implementation of the State's conditions for learning measurement system, as described in paragraphs (1) through (5) of subsection (g); and

(2) use the remainder of grant funds after making the reservation under paragraph (1)

to award subgrants, on a competitive basis, to eligible local applicants.

(g) REQUIRED STATE ACTIVITIES.—A State that receives a grant under this section shall—

(1) not later than 1 year after receipt of the grant, develop, adapt, improve, or adopt and implement a statewide conditions for learning measurement system (unless the State can demonstrate, to the satisfaction of the Secretary, that an appropriate system has already been implemented) that annually measures the State's progress in the conditions for learning for every public school in the State;

(2) collect information in each year of the grant on the conditions for learning at the school-building level through comprehensive needs assessments of students, school staff, and family perceptions, experiences, and behaviors;

(3) collect annual incident data at the school-building level that are accurate and complete;

(4) publicly report, at the school level and district level, the data collected in the conditions for learning measurement system each year in a timely and highly accessible manner;

(5) use, on a continuous basis, the results of the conditions for learning measurement system to—

(A) identify and address conditions for learning statewide;

(B) help subgrantees identify and address school and student needs; and

(C) provide individualized assistance to the lowest-performing schools (consistent with section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)) and schools with significant conditions for learning weaknesses as identified through the conditions for learning measurement system with implementation of activities under this Act; and

(6) award subgrants, consistent with subsection (h), to eligible local applicants.

(h) SUBGRANTS.—

(1) IN GENERAL.—

(A) AWARDING OF SUBGRANTS.—A State that receives a grant under this section shall award subgrants, on a competitive basis, to eligible local applicants (which may apply in partnership with 1 or more community-based organizations)—

(i) based on need as identified by data from State and local conditions for learning measurement systems;

(ii) that are of sufficient size and scope to enable subgrantees to carry out approved activities; and

(iii) to implement programs that—

(I) are comprehensive in nature;

(II) are based on scientifically valid research;

(III) are consistent with achieving the conditions for learning;

(IV) are part of a strategy to achieve all the conditions for learning; and

(V) address 1 or more of the categories described in paragraph (2)(A).

(B) ASSISTANCE.—A State that receives a grant under this section shall provide assistance to subgrant applicants and recipients in the selection of scientifically valid programs and interventions.

(2) ALLOCATION.—

(A) IN GENERAL.—In awarding subgrants under this section, each State shall ensure that, for the aggregate of all subgrants awarded by the State—

(i) not less than 20 percent of the subgrant funds are allocated to carry out drug and violence prevention;

(ii) not less than 20 percent of the subgrant funds are allocated to carry out programs to promote mental health; and

(iii) not less than 20 percent of the subgrant funds are allocated to carry out programs to promote physical activity, education, fitness, and nutrition.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States, in making subgrants to eligible local applicants, to require subgrant recipients to use 20 percent of grant funds for drug and violence prevention, 20 percent of grant funds for the promotion of mental health, and 20 percent of grant funds for the promotion of physical activity, education, fitness, and nutrition.

(3) APPLICATIONS.—An eligible local applicant that desires to receive a subgrant under this subsection shall submit to the State an application at such time, in such manner, and containing such information as the State may require.

(4) PRIORITY.—In awarding subgrants under this subsection, a State shall give priority to applications that—

(A) demonstrate the greatest need according to the results of the State's conditions for learning survey; and

(B) propose to serve schools with the highest concentrations of poverty, based on the percentage of students receiving or are eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—Each recipient of a subgrant under this subsection shall, for the duration of the subgrant—

(A) carry out activities—

(i) the need for which has been identified, at a minimum, through the conditions for learning measurement system; and

(ii) that are part of a comprehensive strategy or framework to address such need, in 1 or more of the 3 categories identified in paragraph (2)(A);

(B) ensure that each framework, intervention, or program selected be based on scientifically valid research and be used for the purpose for which such framework, intervention, or program was found to be effective;

(C) use school-level data from the statewide conditions for learning measurement system to inform the implementation and continuous improvement of activities carried out under this Act;

(D) use data from the statewide conditions for learning measurement system to identify challenges outside of school or off school grounds, (including the need for safe passages for students to and from school), and collaborate with 1 or more community-based organization to address such challenges;

(E) collect and report to the State educational agency, data for schools served by the subgrant recipient, in a manner consistent with the State's conditions for learning measurement system;

(F) establish policies to expand access to quality physical activity opportunities, (including school wellness policies) and establish active school wellness councils, consistent with the requirements of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), which may be part of existing school councils, if such councils exist and have the capacity and willingness to address school wellness;

(G) engage family members and community-based organizations in the development of conditions for learning surveys, and in the planning, implementation, and review of the subgrant recipient's efforts under this Act; and

(H) consider and accommodate the unique needs of students with disabilities and English language learners in implementing activities.

(i) ACCOUNTABILITY.—

(1) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish program performance metrics to measure the effectiveness of the activities carried out under this Act.

(2) ANNUAL REPORT.—Each State that receives a grant under this Act shall prepare and submit an annual report to the Secretary, which shall include information relevant to the conditions for learning, including on progress towards meeting outcomes for the metrics established under paragraph (1).

**SEC. 6. FUNDS RESERVED FOR SECRETARY.**

From the amount reserved under section 4(3), the Secretary shall—

(1) direct the Institute of Education Sciences to conduct an evaluation of the impact of the practices funded or disseminated by the Successful, Safe, and Healthy Students State Grants program; and

(2) provide technical assistance to applicants, recipients, and subgrant recipients of the programs funded under this Act.

**SEC. 7. PROHIBITED USES OF FUNDS.**

No funds appropriated under this Act may be used to pay for—

(1) school resource officer or other security personnel salaries, metal detectors, security cameras, or other security-related salaries, equipment, or expenses;

(2) drug testing programs; or

(3) the development, establishment, implementation, or enforcement of zero-tolerance discipline policies, other than those expressly required under the Gun-Free Schools Act (20 U.S.C. 7151 et seq.).

**SEC. 8. FEDERAL AND STATE NONDISCRIMINATION LAWS.**

Nothing in this Act shall be construed to invalidate or limit nondiscrimination principles or rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this Act are in addition to those imposed by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act $1,000,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 173—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2011, AS ''NATIONAL PHYSICAL EDUCATION AND SPORT WEEK''

Ms. KLOBUCHAR (for herself and Mr. THUNE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 173

Whereas a decline in physical activity has contributed to the unprecedented epidemic of childhood obesity, which has more than tripled in the United States since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to the continued health and well-being of children;

Whereas according to the Centers for Disease Control, overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as ''late in life'' or ''adult onset'' diabetes because type 2 diabetes presently occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans issued by the Department of Health and Human Services recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas according to the Centers for Disease Control, only 19 percent of high school students are meeting the goal of 60 minutes of physical activity each day;

Whereas children spend many of their waking hours at school and, as a result, need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas nationally, according to the Centers for Disease Control, 1 out of 4 children does not attend any school physical education classes, and fewer than 1 in 4 children get 20 minutes of vigorous activity every day;

Whereas teaching children about physical education and sports not only ensures that the children are physically active during the school day, but also educates the children on how to be physically active and the importance of physical activity;

Whereas according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education (or an equivalent) for the entire school year, and 22 percent of schools do not require students to take any physical education courses at all;

Whereas according to that 2006 survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provide physical education (or an equivalent) at least 3 days per week for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can help the attention, concentration, and achievement test scores of children;

Whereas participation in sports teams and physical activity clubs, often organized by the school and run outside of the regular school day, can improve grade point average, school attachment, educational aspirations, and the likelihood of graduation;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas children and youths who partake in physical activity and sports programs have increased motor skills, healthy lifestyles, social skills, a sense of fair play, strong teamwork skills, self-discipline, and avoidance of risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which the children live, and therefore, the people of the United States share a collective responsibility in reversing the childhood obesity epidemic;

Whereas if efforts are made to intervene with unfit children to bring those children to physically fit levels, then there may also be a concomitant rise in the academic performance of those children; and

Whereas Congress strongly supports efforts to increase physical activity and participation of children and youth in sports: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of May 1 through May 7, 2011, as ''National Physical Education and Sport Week'';

(2) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) supports the implementation of local school wellness policies (as that term is described in section 9A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758b)) that include ambitious goals for physical education, physical activity, and other activities that address the childhood obesity epidemic and promote child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

## SENATE RESOLUTION 174—EXPRESSING THE SENSE OF THE SENATE THAT EFFECTIVE SHARING OF PASSENGER INFORMATION FROM INBOUND INTERNATIONAL FLIGHT MANIFESTS IS A CRUCIAL COMPONENT OF OUR NATIONAL SECURITY AND THAT THE DEPARTMENT OF HOMELAND SECURITY MUST MAINTAIN THE INFORMATION SHARING STANDARDS REQUIRED UNDER THE 2007 PASSENGER NAME RECORD AGREEMENT BETWEEN THE UNITED STATES AND THE EUROPEAN UNION

Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 174

Whereas the National Commission on Terrorist Attacks Upon the United States—

(1) found that ''[t]argeting travel is at least as powerful a weapon against terrorists as targeting their money''; and

(2) recommended that the United States ''combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorist, find terrorist travel facilitators, and constrain terrorist mobility'';

Whereas terrorists continue to target international travel to the United States, as evidenced by Umar Farouk Abdulmutallab's attempt to detonate a bomb on board Northwest Airlines Flight 253 on December 25, 2009, en route from Amsterdam to Detroit;

Whereas Congress responded to the attacks of September 11, 2001, by mandating that all air carriers flying into the United States provide passenger name record (referred to in this resolution as ''PNR'') data concerning all inbound passengers to U.S. Customs and Border Protection to assist the Department of Homeland Security in fulfilling its missions of protecting the border and enhancing border security;

Whereas there is bipartisan agreement on the need to collect and share passenger travel data, which—

(1) has served as a cornerstone for interdicting terrorists by the administrations of President Barack Obama and former President George W. Bush; and

(2) continues to fulfill the mandate for increased information sharing set by Congress in—

(A) the Aviation and Transportation Security Act (Public Law 107–71);

(B) the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458);

(C) the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53); and

(D) other laws requiring information sharing internationally and within the United States Government to promote greater security;

Whereas the Implementing Recommendations of the 9/11 Commission Act of 2007 required nations to enter into an agreement to exchange passenger information with the United States in order to qualify for the United States' visa waiver program;

Whereas international law and treaties have recognized that—

(1) advance information about travelers is a critical tool in identifying high-risk passengers; and

(2) the intelligence gained from the analysis of passenger travel data is critical for—

(A) protecting the United States against terrorists entering the United States; and

(B) preventing terrorists from boarding international flights bound for the United States;

Whereas the Agreement Between the United States of America and the European Union on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the United States Department of Homeland Security (DHS), done at Brussels and Washington on July 23 and 26, 2007 (referred to in this resolution as the ''EU-U.S. PNR Agreement'')—

(1) succeeded a series of agreements between 2002 and October 2006;

(2) was intended to remain in effect until 2014; and

(3) complied with European Union and United States privacy laws by providing assurances that the United States would use PNR data for limited purposes;

Whereas PNR data gathered pursuant to the EU-U.S. PNR Agreement has been used to identify and arrest a number of dangerous terrorists, including—

(1) David Headley, who was planning an attack on Denmark and who contributed to the tragedy in Mumbai; and

(2) Faisal Shahzad, who was attempting to flee the country after attempting to set off a car-bomb in Times Square.

Whereas PNR data has been used to prevent the travel of many other individuals considered to be national security threats or otherwise inadmissible to the United States;

Whereas the privacy protections in the current EU-U.S. PNR Agreement are robust, and a February 2010 joint review by both signatories found no privacy violations, misuse, or injury from the collection of PNR data by the Department of Homeland Security;

Whereas although the United States and the European Union have different governing mechanisms that lead to differences in how oversight is conducted, both governments have a firm commitment to the protection of data and the respect of individual privacy;

Whereas in February 2011, the European Commission proposed that the European Union create its own PNR system in order to identify potential terrorists and other dangerous criminals;

Whereas in 2010, the Washington Post—

(1) recognized the important role that PNR data plays in securing international aviation; and

(2) recommended that data sharing should not be restricted without demonstrating specific problems with the operation of current agreement: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the grave threat posed by terrorists and other dangerous criminals who seek to exploit international aviation to do harm to our countries;

(2) urges the Department of Homeland Security to reject any efforts by the European Union to modify existing PNR data sharing mechanisms in a way that would degrade the usefulness of the PNR data for identifying terrorists and other dangerous criminals;

(3) urges the Department of Homeland Security to not enter into any agreement that would impose European oversight structures on the United States; and

(4) opposes any effort by the European Union to interfere with counterterrorism cooperation and information sharing between the Department of Homeland Security and non-European countries.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 319. Mr. REID (for Mr. LUGAR) proposed an amendment to the resolution S. Res. 153, recognizing the 25th anniversary of the Chernobyl nuclear disaster.

## TEXT OF AMENDMENTS

**SA 319.** Mr. REID (for Mr. LUGAR) proposed an amendment to the resolution S. Res. 153, recognizing the 25th anniversary of the Chernobyl nuclear disaster; as follows:

In paragraph (2) of the resolving clause, strike ‘‘, including the assistance that the United States and the international community have given to the Chernobyl Shelter Fund and the Interim Spent Fuel Storage Facility’’.

## NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, the Committee on Rules and Administration will meet on Wednesday, May 11, 2011, at 2 p.m., to conduct an executive business meeting to consider the nomination of William J. Boarman, of Maryland, to be the public printer, followed by a legislative business meeting to consider S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent and S. 739, a bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee, 202–224–6352.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 9, 2011, at 5:30 p.m., in S–216 of the Capitol, to continue an executive business meeting.

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

## RECOGNIZING 25TH ANNIVERSARY OF CHERNOBYL NUCLEAR DISASTER

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 153 and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 153) recognizing the 25th anniversary of the Chernobyl nuclear disaster.

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

Mr. REID. I ask unanimous consent that the amendment at the desk be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 319) was agreed to, as follows:

(Purpose: To amend the resolving clause)

In paragraph (2) of the resolving clause, strike ‘‘, including the assistance that the United States and the international community have given to the Chernobyl Shelter Fund and the Interim Spent Fuel Storage Facility’’.

The resolution (S. Res. 153), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 153

Whereas at 1:23 A.M. on April 26, 1986, during an experiment, a major explosion occurred at the Chernobyl Nuclear Power Plant in Unit 4, a RBMK 1000-type, graphite-moderated nuclear power reactor in Pripyat;

Whereas the initial explosion dispersed a stream of radioactive particles over nearby towns, farms, and eventually to many other countries;

Whereas 500,000 brave firefighters, engineers, technicians, and emergency workers worked for more than 6 months to minimize one of the worst civilian nuclear disasters in history;

Whereas radioactivity emanating from the Chernobyl disaster has been detected in Belarus, Poland, Russia, Scandinavia, and other areas;

Whereas since the disaster, serious health, environmental, and socioeconomic repercussions have been identified in many areas near the Chernobyl plant;

Whereas the Chernobyl Forum, an initiative by the International Atomic Energy Agency in cooperation with the World Health Organization, numerous United Nations agencies, and the governments of Ukraine, Belarus, and Russia, was launched in 2003 to examine the scientific evidence of human and environmental effects of the nuclear disaster at Chernobyl;

Whereas the Chernobyl Forum's examination of the catastrophe has contributed to the understanding of the effects caused by the nuclear disaster;

Whereas, the Chernobyl Forum found that more than 5,000,000 people lived in ‘‘contaminated’’ areas in Ukraine, Belarus, Russia, and other countries;

Whereas the lives and wellness of people in the affected areas continue to be impacted by the catastrophic Chernobyl nuclear disaster;

Whereas the government of the United States, the people of the United States, and the international community have provided contributions to humanitarian organizations to address the effects of the Chernobyl disaster;

Whereas the Chernobyl Shelter Fund (CSF) was established in December 1997 by the G7, in cooperation with Ukraine;

Whereas the purpose of the CSF has been to construct a safe confinement over the damaged Chernobyl Unit 4 and to convert the site to a stable and environmentally safe condition;

Whereas the Nuclear Safety Account (NSA), supported by the United States and 16 other donors, finances the Interim Spent Fuel Storage Facility that allows for the decommissioning of Chernobyl Units 1 through 3;

Whereas April 26, 2011, is the 25th anniversary of the Chernobyl nuclear disaster; and

Whereas the ongoing crisis in Japan at the Fukushima nuclear power plant serves as a reminder to the United States and the international community of the need to make strong commitments to nuclear security throughout the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 25th anniversary of the Chernobyl nuclear disaster and the courage of the Ukrainian people in persevering to address the consequences of the disaster;

(2) commends efforts to mitigate the consequences of the Chernobyl nuclear disaster; and

(3) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Ukraine to the United States.

## ORDERS FOR TUESDAY, MAY 10, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, May 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate proceed to a period of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

Finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. tomorrow for the weekly caucus meetings.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator ISAKSON of Georgia.

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

The Senator from Georgia.

CONGRATULATIONS TO KEITH HATCHER

Mr. ISAKSON. Mr. President, I rise on a point of personal privilege to commend a gentleman from Georgia, Mr. Keith Hatcher.

Twenty-five years ago, when I worked with my father—my father, among other things, was the past president of the Georgia Association of REALTORS. I remember one afternoon he came into my office and said: Son, we just hired someone today who is going to be special. His name is Keith Hatcher. I want you to be sure and look him up the first time you get a chance.

Well, about a week later I met Keith. I was then a member of the Georgia Legislature, and I showed him around a little bit. He became the assistant to John Cox, who had been the venerable representative of the REALTORS for years in that State. I saw that spark in Keith Hatcher's eye, and I knew he was going to be a great one, and a great one he has been.

In his 25 years representing the Georgia association and landowners and homeowners around our State, he has fought hard for limitations and curbs on the power of eminent domain, fought hard for lower ad valorem taxes and transfer taxes, and fought hard for reform of landlord-tenant laws. He has worked day in and day out for the landowners of our State and for the REALTORS of our State, and he has done it in the most professional, comprehensive way anybody could possibly do it.

He has another great story to tell. Keith faced a significant health hazard just a few years ago. He was about to lose a kidney, and he could have lost his life, but he went through a transplant program in Birmingham, AL. The transplant was successful, and he rehabilitated himself. Today, he works as hard as he did before the injury. Importantly, as well, he works as a member of the board of the National Kidney Foundation helping to raise money to support the transplant program so others who are afflicted as he was will have the same cure he has had.

So this week, as the REALTORS from Georgia come to town, as I think they will from every other State of the Union, to talk to the Members of the Senate about laws that affect their industry and their profession, the one from Georgia will be led by Keith Hatcher. As he has for the last 24 years, he will be a voice for home ownership, a voice for lower taxation, and a voice for wide distribution and ownership of land, which makes the United States of America the most unique country of any on the face of this Earth.

I am pleased to commend him today on the celebration of his 25th anniversary representing the Georgia Association of REALTORS.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROFIT OVER HEALTH

Mr. BROWN of Ohio. Mr. President, yesterday across this country, we celebrated Mother's Day, marking the contribution of mothers across our country. But 2 months ago, the health of tens of thousands of expectant mothers and their unborn children was threatened by a drug company putting profit over public health. Two months ago, there was justified public outrage that the cost of a drug hormone, progesterone, to prevent premature births went from approximately $10 a dose—20 doses are needed through the course of a pregnancy—to $1,500 per dose. The entire course of the 20-week treatment, therefore, was about $200 three months ago. Two months ago, it went to $30,000—$200 to $30,000.

This was once an affordable, common treatment to help women facing high-risk labor. I visited Toledo Children's Hospital, MetroHealth in Cleveland, and St. Elizabeth's Health Center in Youngstown to hear directly from patients and physicians and hospital executives about how the outrageous price increase affects them. Patients explained what it was like to overcome a previous miscarriage and rely on this progesterone to carry to full term today. Physicians and public health advocates explained the risk to women and children's health if the therapy were no longer affordable and accessible. Hospital administrators and State Medicaid directors worried what such an exorbitant increase would mean to already-stretched budgets.

Meanwhile, several colleagues and I began to ask questions about how and why the increase happened in the first place. We are concerned about how companies, private companies, abuse the FDA approval process or manipulate existing rules to shortchange consumers while those companies reap massive windfall profits. That is especially so because, in addition to affixing such a high cost to the drug, this company, KV Pharmaceuticals from St. Louis, sent a letter threatening a cease and desist order to compounding pharmacies—those pharmacies that actually make their own progesterone, in this case—a cease and desist order to prevent these pharmacies from producing it, further solidifying KV Pharmaceutical's monopolization in the marketplace. All the while, pregnant women are left without the critical medicine their doctors prescribe for them, and either taxpayers foot the bill, insurance companies foot the bill, driving the price up, or women simply do without, increasing the number of miscarriages, increasing the number of low-birth-weight babies, increasing the cost to taxpayers, and increasing the heartache in mother after mother and father after father.

Fortunately, in an unusual response—unusual in the sense that this case was so dramatically outrageous and unbelievably greedy on the part of KV Pharmaceutical executives—the FDA did something it doesn't normally do: It asserted its authority and made clear it would not enforce the cease and desist order. What was KV's response after the public outrage, after the refusal to enforce the cease and desist order, therefore allowing the pharmacies to keep producing the progesterone? It reduced the price from $1,500 a dose—remember, it was $10 per dose as recently as 3 months ago. They take a shot every week for 20 weeks during the pregnancy. It was $10 a dose, and they raised it to $1,500. But do you know what they did after the FDA and a small number of Democratic Senator's pushed them, embarrassed them in public? They brought the price down to $690 a dose. It went from $10 when compounding pharmacies were doing it, to $1,500 when they thought they could get away with it, to $690—as if they thought they were doing America's women a favor. That means instead of it being $30,000 for the whole cost of the pharmaceutical, the 20 doses, it would be about $15,000. What a bargain. On top of that, they did what companies whose hands are caught in the cookie jar always do: They hired high-powered Washington, DC, lobbyists to fight for their rights, this exclusivity for this drug, trying to prohibit the critical work of compounding pharmacists.

I agree with drug companies; generally they need to recoup their investment. I want America's drug companies to do the boldest, most innovative, most progressive research in the world, and I want them to make a profit doing it so they can afford to do it and keep doing it. They should reflect the amount of R&D to bring drugs to market, the cost of their manufacture, the cost of their distribution, but in the case of this progesterone, the case of this pharmacy compound, taxpayers—in this case, through the National Institutes of Health—funded the initial research and continue to fund critical research on premature births. KV Pharmaceutical didn't do the research; they bought the exclusive rights to a monopoly by reimbursing another company—contracting with them—I believe that actually conducted the clinical trials and incurring the costs needed for FDA approval.

Something is very wrong when a company with limited R&D investments can grossly overprice a drug that in its absence virtually guarantees an increase in premature births.

Think of the greed involved here. They paid some number of millions of dollars to do a clinical trial, which was a good thing. They then brought the price from $10 to $1,500—times 20, again, with the number of doses people need in their treatment. With an initial investment of less than $200 million, the first year they would have reaped over $3 billion in revenue. Those are the kinds of numbers they were operating on, as if that is fair.

When a company used taxpayer-funded research to produce a drug so important that it reduces infant mortality and birth defects, that company should also take on the responsibility for pricing it in a reasonable manner. But prices should never be inflated, particularly on a public health drug where this company did not do the basic foundational research; all it did was pay for clinical trials that did not prove much more than we already knew. A company should never be allowed to inflate prices of a public health drug to reap these kinds of massive profits, nor should the FDA approval process ever be manipulated to achieve that same end, which it was.

While balancing the benefits of corporate profit—and I understand the balance, and I want the companies to continue to invest and move ahead—while it can be challenging balancing corporate earnings and societal benefits, we can't lose sight of our responsibility to make innovative medicines available and accessible to as many people as possible.

I would like to close with a story about why all this matters. Not too long ago—last month, I guess it was, early April—I was in Port Columbus International Airport about to fly to Washington when Karen Turano, whom I never met before, walked up to me to share her story. She has since e-mailed after our discussion where she talked about this drug, and she sent me this letter:

I met you at the Columbus airport with my husband Thad and our 17-month-old son Ryker. Again, I just wanted to say thank you for the work you are doing to make the progesterone shots affordable again.

Our first son, Tyler, was born August 18, 2008 and passed away the next day, August 19, 2008. I prematurely went into labor at 24 weeks and had an emergency C-section. Tyler was born at 9:59, weighing 1 pound 10 ounces.

Thad went to be with [my son] since I was recovering from surgery. He called me early the next morning and told me the worst news a new mother could hear: There was nothing more that could be done and that Tyler would pass away. My mother-in-law took me to see and hold Tyler for the first and last time in his precious life. It was devastating.

Thad and I have since worked with public health advocates to raise awareness on ways to prevent premature births—while following doctor's orders to wait 6 months before we tried again.

After I became pregnant with Ryker, I was monitored closely and started the progesterone shots at 16 weeks which continued through 36 weeks.

She had these shots through 20 consecutive treatments, once a week for 20 weeks.

I am convinced that these shots allowed me to carry the pregnancy to term.

Interrupting the letter for a moment, understand that when a doctor sees someone like Karen who has had a pregnancy like she had where a baby was born that prematurely, that doctor understands that a progesterone like this progesterone we are talking about can make a huge difference in her carrying her baby to full term.

Ryker was born at 38 weeks on October 30, 2009, my Halloween baby. My husband is a Columbus firefighter and I am an attorney practicing in workers' compensation. We look forward to more children in the near future, but the cost of this shot concerns us greatly. We have experienced the horrible pain of losing a child. No mother or father should have to go through this pain.

She writes, signed:

Sincerely, Karen, Thad, Ryker and Tyler Turano.

Today is Karen's birthday, coincidentally. She celebrates with her son Ryker and husband Thad and other family and friends—and she does with Tyler in her memory. I thank Karen for sharing her story and the patients in Toledo, Cleveland, Youngstown, and across our Nation and State who have spoken about this, who deserve the affordable and accessible treatment they need. I am optimistic we can continue to find ways to ensure that the majority of women in this country will still have access to affordable versions of this critical lifesaving injection. It should not take public outrage, it should not take congressional action, it should not take the FDA altering a policy it normally doesn't alter for a company to do the right thing.

Mr. President, as you know, with the unemployment in your State and the unemployment in my State and the problems we have as a nation on so many levels, this is particularly outrageous because this progesterone is a public health pharmacy compound that has worked and meant many more women will have safe births with growing, healthy children, contrasted with, if they do not have the opportunity to get this progesterone at a reasonable rate, at a reasonable price, we know what happens then. But rest assured, we will keep up the outrage, and we will continue to move through Congress, if that is what it takes, to get progesterone at an affordable price to America's women.

It is an outrage what KV Pharmaceuticals did. I applaud the FDA for changing its policy to make it more accessible.

I ask KV Pharmaceuticals to again come to the table. Instead of lobbying Congress to get their way and make a huge amount of money on a relatively small investment, I ask them to come to the table and work with us so we can make this very important pharmacy compound accessible to all American women whose doctors prescribe it to them.

I yield the floor.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Whereupon, the Senate, at 6:58 p.m., adjourned until Tuesday, May 10, 2011, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF DEFENSE

BARBARA K. MCQUISTON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

### DEPARTMENT OF STATE

MICHAEL H. CORBIN, OF CALIFORNIA, 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 UNITED ARAB EMIRATES.

JEFFREY DELAURENTIS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

JEFFREY DELAURENTIS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

JEANINE E. JACKSON, OF WYOMING, 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 MALAWI.

WILLIAM H. MOSER, OF NORTH CAROLINA, 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 MOLDOVA.

MATTHEW H. TUELLER, OF UTAH, 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 STATE OF KUWAIT.

### HARRY S TRUMAN SCHOLARSHIP FOUNDATION

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 15, 2015, VICE JUANITA ALICIA VASQUEZ-GARDNER, TERM EXPIRED.

### THE JUDICIARY

STEPHEN A. HIGGINSON, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE JACQUES L. WIENER, JR., RETIRED.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) WILLIAM E. LEIGHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DOUGLAS J. VENLET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DAVID C. JOHNSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DONALD E. GADDIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) BARRY L. BRUNER
REAR ADM. (LH) JERRY K. BURROUGHS
REAR ADM. (LH) JAMES D. CLOYD
REAR ADM. (LH) MICHAEL T. FRANKEN
REAR ADM. (LH) BRADLEY R. GEHRKE
REAR ADM. (LH) ROBERT P. GIRRIER
REAR ADM. (LH) PAUL A. GROSKLAGS
REAR ADM. (LH) SINCLAIR M. HARRIS
REAR ADM. (LH) MARGARET D. KLEIN
REAR ADM. (LH) RICHARD B. LANDOLT
REAR ADM. (LH) BRIAN L. LOSEY
REAR ADM. (LH) WILLIAM F. MORAN
REAR ADM. (LH) TROY M. SHOEMAKER
REAR ADM. (LH) DIXON R. SMITH
REAR ADM. (LH) ROBERT L. THOMAS, JR.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5144:

*To be lieutenant general*

MAJ. GEN. STEVEN A. HUMMER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531(A) AND 716:

*To be major*

PETER J. AVALOS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MICHAEL W. AAMOLD
NATHAN J. ABEL
RYAN E. ABELLA
KEITH A. ABSTON
ADAM D. ACKERMAN
JASON M. ADAMS
MICHAEL A. ADAMS
ROBIN E. ADAMS
STEVEN A. ADAMS
TODD J. ADAMS
BRIAN C. ADKINS
JASON M. AFTANAS
ALLEN Y. AGNES
BRADFORD K. AIKENS
ERICA M. AKIN
DAVID A. ALBIN
MICHAEL JOHN ALBRECHT
FREDERICK A. ALCAZAR
NICOLAS S. ALCOCER
WESLEY J. ALDERMAN
NATHAN G. ALEXANDER
TROY E. ALEXANDER
SHANE W. ALFAR
MICHAEL C. ALFARO
MICHEL D. ALLAIN
DAVID K. ALLAMANDOLA
ANTHONY J. ALLEN
BRADLEY B. ALLEN
WILLIE J. ALLEN II
SHAREEF J. ALMASRI
MATTHEW R. ALTMAN
BRIAN N. ALVAREZ
ERIC G. ALVAREZ
RYAN M. ALVEY
MICHAEL W. ALWES, JR.
RYAN T. AMBROSE
SEAN R. AMES
MATTHEW P. ANASTAS
ALISON M. ANDERS
CHRISTOPHER S. ANDERSEN
DAVID M. ANDERSON
EDWARD L. ANDERSON
JEFFREY P. ANDERSON
JOSHUA THOMAS ANDERSON
KEITH M. ANDERSON
MATTHEW K. ANDERSON
MICHAEL J. ANDERSON
PETER B. ANDERSON
TOMMY G. ANDERSON, JR.
ROBERTO A. ANDINOBERTIEAUX
ROBERT JAMES ANDREE
SCOTT ANDRESEN
NATHAN P. ANDREWS
IONIO Q. ANDRUS
STEVEN E. ANGELOFF
KAREN A. ANGLIN
JUSTIN A. ANHALT
JASON P. ANNIS
TONY S. APONTE
MATTHEW APRICENO
ERIC D. ARCARA
JONATHAN L. ARD
PAUL M. ARKWELL
TIMOTHY L. ARMENDINGER
MATTHEW T. ARMSTRONG
PATRICK H. ARNN
TRENT E. ARNOLD
WILLIAM J. ARNOLD
STACIE M. ARRASMITH
JAMES F. ARTHUR
JOHNATHAN M. ARTIS
WILLIAM C. ATKINS
GREGORY BRIAN AUERBACH
SCOTT E. AXELSON
TENOCH J. AZTECATL
CURTIS S. BAACK
ANDREW J. BABIARZ
JEFFREY M. BACHERT
CHRISTIAN BACKHAUS
RUSSELL S. BADOWSKI
JAY P. BAER
JONATHAN B. BAIZE
BRIAN J. BAKER
JACOBY L. BAKER
STEPHEN D. BAKER
STEVEN N. BAKER
MIRANDA S. BALDWIN
ERIC J. BALL
LUCAS D. BALL
JASON G. BALLARD
KIMBERLY A. BALLENSKI
ERIC A. BALLEW
EDWARD R. BALZER
MICHAEL R. BALZOTTI
THOMAS J. BANASZAK
MELISSA RUFF BANISTER
DANE M. BANNACH
GREGORY R. BARBER
JOSEPH A. BARBER
RICHARD BARBER
KAREN D. BARBOUR
MELINDA K. BARBOURWORD
LINUS J. BARLOON II
NEILS C. BARNER
DOUGLAS R. BARNES
JAMIE L. BARNES
MELANIE S. BARNES
NICHOLAS M. BARNES
ROBERT J. BARNES
SANDRA KAY BARNES
MELVIN L. BARNHILL III
KIMBERLY N. BARR
DANIELLE J. BARRASS
JASON R. BARRASS
ERIN MICHELL BARRETT
HOLLIE A. BARRETT
BRUCE D. BARRY
ANDREY BARSHAY
JASON R. BARTA
PATRICE E. BARTH
RICHARD J. BARTHOLOW
ARTHUR C. BARTON
MICHELLE A. BARTZ
STEVEN F. BARYZA
RUSSELL D. BASTIAN
MICHAEL T. BATCHELOR, JR.
LUKE A. BATES
BYRON F. BATEY
ANGELA BATTS
JEFFERY M. BAUMGART
HERMAN L. BAXTER
BENJAMIN A. BEADLES
JOSEPH DELANE BEAL
DANIEL P. BEALL
ANTHONY R. BEAN
ADRIENNE DEANNA BEARD
JEANCLAUDE BEASLEY
MICHAEL A. BEAUDET
MEREDITH A. BEAVERS
BRYAN K. BECK
ANDREW I. BECKETT
CARL F. BECKEY
DOUGLAS M. BECKMAN, JR.
KENNETH B. BEEBE III
RYAN M. BEHRINGER
ALFORT BELIN III
ISAAC T. BELL
JONATHAN B. BELL
MATTHEW L. BELL
MATTHEW M. BELLE
RENE D. BELLO
JOSEPH P. BELLUCCI
DEAR BELOVED
JOHN D. BELT
CHRISTOPHER P. BENDIG
TIFFANY H. BENDORF
JOHN T. BENGTSON
ANDRES BENITEZ
BRANDON S. BENNETT
CHRISTOPHER J. BENNETT
HEATHER M. BENNETT
DANIEL RAY BENTLEY
DOUGLAS WILLIAM BENTON
JAVIER L. BENTON
KJIRSTIN A. BENTSON
GORDON E. BERAN II
JACOB R. BERGMANN
MET M. BERISHA
CLIFFORD F. BERMODES, JR.
GEORGE E. BERRY
MARK J. BERTHOT
SCOTT F. BEUSCH
JAMES C. BEYER
FRANK A. BIANCARDI
JASON P. BIANCHI
JOSHUA M. BIEDERMANN
MICHAEL P. BIELAS
MARK C. BIGLEY
KEVIN M. BILLUPS
ADAM DEWAIN BINGHAM
DAVID R. BIRD
JONATHAN D. BIRNBAUM
ROBERT E. BITTNER
FREDDIE W. BIVENS
JEFFREY R. BLACKBURN
JOHN G. BLACKBURN
DAVID J. BLAIR
ERIC M. BLAKELY
LUKE A. BLEDSOE
PHILLIP S. BLEVINS
JON D. BLIDE
RONNIE KEITH BLOUNT
NIA K. BLUFORD
GREGORY R. BODENSTEIN
JEFFREY A. BODWELL
DANIEL E. BOEH
DARIN R. BOEN
ANNETTE S. BOENDER
PAUL M. BOGACZ
SHANE M. BOHLMAN
JAROD KRISTEN BOLDT
BEDE A. BOLIN
BARTON J. BOMA
CHRISTOPHER K. BONAR
ANGELO M. BONAVITA
DOMONIC S. BONELLO
STEPHEN L. BONIN
KEITH R. BONSER
JOSEPH S. BOOKER, JR.
MATTHEW W. BOOTH
JEFFREY M. BORKOWSKI
JOSEPH J. BORRELL
DENNIS M. BORRMAN
JESSICA K. BORRMAN
ROSA C. BOSWELL
ANDREW M. BOUCHARD
ROBERT E. BOUCHILLON
BRADLEY N. BOUDREAUX
JOEL C. BOURNE
ANDREW B. BOWENS
TRACI L. BOWMAN
BRAD P. BOWYER
BROOKE E. BOZARTH
BRADLEY E. BRADDOCK
GARY A. BRADLEY
KEVIN R. BRADLEY
TIMOTHY BRADY
BROOKE K. BRANDER
HERMAN BRANDON III
DAVID WILLIAM BRANDT, JR.
OLGA H. BRANDT
ROBERT G. BRANHAM
GREGORY J. BRAULT
JASON C. BRAUN
ROBERT L. BRAWLEY, JR.
JEFFREY D. BRAXTON
VAUGHN S. BRAZIL
ANTHONY WADE BRECK
MARK W. BREED
TAMMY LYNN BREINER
DAVID A. BREITENBACH
ROBERT L. BRELAND
JASON T. BRESLEY
DERRICK W. BREWER
PAUL J. BREWER
KELLY A. BRIDGEFORTH
ONASSIS E. BRIDGERS
CHAD JAMES BRIGGS
DAVID S. BRILL
BILLY F. BRINSFIELD III
SANTOS BRIONES
WILLIAM L. BRITTON
STEPHEN J. BROGAN
PATRICK D. BROM
MATTHEW R. BROOKS
MICHAEL D. BROOKS
MARK EDWARD BROW
ANDREW F. BROWN III
ARLENE CECILIA BROWN
AYANNA T. BROWN
BETHANY J. BROWN
DONALD DANLEY BROWN
DUSTIN W. BROWN
GABRIEL C. BROWN
JAMES P. BROWN
JERRAD H. BROWN
MARK F. BROWN
REBECCA S. BROWN
RICHARD ARAM BROWN
ROBERT H. BROWN
ROBERT J. BROWN
STEVEN G. BROWN, JR.
WILLIAM L. BROWN
JASON FORBES BROWNE
JOSEPH S. BROWNING
KELLIE M. BROWNLEE
ANDREW R. BRUCE
MATTHEW R. BRUCKNER
BENJAMIN T. BRYANT
LEE W. BRYANT
MARK B. BUCHY
BRIAN J. BULLEY
JOHN S. BULMER
CHRISTOPHER D. BULSON
JOYCE A. BULSON
NATHAN D. BUMP
DANIEL A. BUNCH
ROGERNETTA BURBRIDGE
ERIC W. BURGER
SHANNON M. BURKE
FRANK R. BURKS
KEVIN F. BURNS
MICHAEL L. BURRELL
CHARLES R. BURRIS
CODY R. BURROUGHS
MICHAEL S. BURTON
BRIAN M. BUSCHUR
DONALD R. BUTCHER, JR.
JONATHAN W. BUTTS
ROBERT M. BYRD
BLAIR W. BYREM
GERARDO CABALLERO
DAVID A. CABAN
JAYSON WILLIAM CABELL

BERNIE F. CABILES
JONATHAN A. CABILLAN
ANABELLE CABREJA
ROBIN E. CADOW
ERNEST L. CAGE
MATA ELMO CAIN
PATRICK D. CAIN
JAMES T. CALDWELL
JESSE P. CALDWELL
JOHN D. CALDWELL
SHANNON D. CALEB
BENJAMIN G. CALHOON
JOHNNY CALHOUN
PAUL J. CALHOUN
NELSON D. CALIMLIM, JR.
BRYAN A. CALKIN
RICKY CAM
WILLIAM A. CAMBRON
GLENN S. CAMERON
JEREMIAH J. CAMP
ANTHONY P. CAMPBELL
CHARLES D. CAMPBELL, JR.
ERICA CATHERINE CAMPBELL
JOHN M. CAMPBELL
JOSHUA S. CAMPBELL
STEPHEN A. CAMPBELL
PAUL A. CANCINO
JAMES ANTHONY CANTRELL
HUBERT J. CANTWELL
DAVID T. CAPONIO
JAMES M. CARBONE II
DOMINIC A. CARDELLA
MARCO A. CARDENAS
ROWLAND CARDONI
BENJAMIN DONALD CARICOFE
ANTHONY MAURICE CARISTI
MARK E. CARL
CHRISTOPHER J. CARNDUFF
IAN CHRISTOPHER CARNEY
SPEIGHT H. CAROON
BRENT S. CARPENTER
BRIAN N. CARPENTER
ROBERT B. CARPENTER
TODD E. CARPENTER
PATRICK F. CARPIZO
JOSEPH W. CARR, JR.
ROBERT E. CARREIRO
NATHAN J. CARRELL
VICTOR CARRILLO
JOHN J. CARROLL III
MARCUS JAMES CARROLL
WARREN A. CARROLL
ANTHONY L. CARSON
CHRISTOPHER M. CARSON
BROOKE K. CARTER
JAMES M. CARTER
JOSHUA L. CARTER
JAYLENE S. CARTERET
LOUIS R. CARVIN
WILLIAM R. CASAREZ
NATHAN A. CASE
JOHN P. CASEY
TIMOTHY B. CASEY II
TODD J. CASKEY
MATTHEW S. CASPERS
CHRISTOPHER M. CASS
JOSHUA H. CASSON
JEREMIAH CASTILLO
CHRISTOPHER T. CASTLE
PATRICIA CASTRO
CATHLEEN E. CASWELL
DAVID C. CASWELL
DARRELL L. CATES
DAVID J. CATHELL
CAREY H. CAUDELL
RYAN F. CAULK
ANDREW J. CAVALLERO
JANIS R. CAVINDER
DALE L. CAWTHON
TODD A. CAYER
BRAD W. CAYWOOD
THOMAS A. CECH
THEODORE P. CELEN
DAVID L. CELESTE, JR.
AARON S. CELUSTA
SIOBHAN C. CELUSTA
JOEL D. CEPEDA
ADRIAN B. CERCENIA
DANIEL A. CHACON
GREGORY A. CHAMBERS
JOSHUA CORY CHAMBERS
MICHAEL A. CHAMPAGNE
REYNALDO CHAMPION
YINGWAI CHAN
ROY M. CHANDLER, JR.
MARK D. CHANG
PATRICK S. CHAPIN
JOHN L. CHAPMAN
JOSEPH D. CHAPMAN
TIMOTHY A. CHAPMAN
GARY W. CHARLAND, JR.
CHRISTOPHER S. CHARLES
MOLLY T. CHESTER
COLE GARRETT CHILDERS
JASON R. CHILDS
CARRIE LYNNE CHILSON
MARK J. CHIOFOLO
MICAH R. CHOLLAR
BENJAMIN DOUGLAS CHOWN
JOHN RAYMOND CHRAMPANIS
ADRIAN S. CHRISTENSEN
DEVON T. CHRISTENSEN
RICK D. CHRISTIE
DANIEL P. CHRISTMAN
GEORGE ANDREW CHRISTOPH
MAXWELL L. CHRISTOPHERSON
DENISE A. CHROSNIAK
JOSHUA J. CHUMLEY
LANCE W. CHURCH
KATHLEEN MARIE CICHON
MARK E. CIPOLLA
CHAD KENNETH CISEWSKI
CORY L. CLAGETT
JOSEPH C. CLANCY
JOSEPH A. CLAPSADDLE
ANDREW D. CLARK
BRIAN C. CLARK
DAVID BONE CLARK III
DAVID L. CLARK
MCKAYLA C. CLARK
SHARBE L. CLARK
ADAM E. CLARY
RYAN CHARLES CLAYCAMP
CLARK K. CLAYTON
WILLIAM J. CLAYTON III
JOHN T. CLEGG
ANDREW G. CLEMMENSEN
JOSEPH G. CLEMMER
JEFFREY JOHN CLESSE
DAVID M. CLONTZ
CARL P. CLOSE
JONATHAN D. CLOUGH
BRYAN M. CLUNE
THOMAS C. CO
ANTHONY S. COATS
CHRISTOPHER J. COBB
BRETT W. COCHRAN
SHAWN E. COIL
JEREMY W. COLE
JOSHUA ALLEN COLE
JOSEPH A. COLELLA
IRIS P. COLEMAN
LINCOLN T. COLEMAN
CHRISTIAN E. COLLAMORE
DANIEL M. COLLETTE
GEORGE E. COLLINGS
CHRISTOPHER M. COLLINS
JEFFREY P. COLLINS
JOSE M. COLON
KENYA E. COLON
JAMES V. COMPOLI
WILLIAM M. COMPTON
NICHOLAS A. CONDON
NICHOLAS J. CONKLIN
DOMINIC D. CONLAN
MICHAEL K. CONLEE
PATRICK M. CONNELLAN
GEOFFREY B. CONNICK
CHRISTOPHER J. CONOVER
JOHN J. CONTRERAS
DANIEL W. CONVERSE
ANDREW L. COOK
DAVID M. COOK
LANE A. COOK
MARLIS C. COOK
TREVOR M. COOK
EDITH D. COON
AARON M. COOPER
CHRISTOPHER B. COOPER
GARY L. COOPER
PAUL M. COOPER
CHRISTOPHER CORBETT
LISA M. CORLEY
JOSEPH A. CORPENING
ROBERT T. CORSI
JOHN B. CORTNEY
CHRISTOPHER E. CORYELL
GARY S. COSTELLO
PAULA C. COTTRELL
BENJAMIN W. COUCHMAN
DANIEL LEE COULTER
ERIC A. COULTER
KELLIE S. COURTLAND
DEANE ERNEST COVER
ROBERT M. COWAN
RYAN N. COX
ADAM V. COYNE
CHRISTOPHER L. CRABB
CASEY R. CRABILL
DUANE A. CRAFT
TODD M. CRAIG
MARK A. CRAMER
KENT J. CRANE
DENNIS P. CRAWFORD
DAVID C. CREECH
GREGORY S. CRESSWELL
GREGORY K. CREW
CARRIE D. CREWS
JEFFREY S. CRIDER
PAUL D. CRILE
JOSEPH PAUL CRISPEN
DAMEN MARK CRISWELL
THOMAS H. CRITTENDEN
BRIAN L. CROSBY
RYAN A. CROWLEY
VERONIQUE M. CRUIKSHANK
BRIAN T. CRUM
DAVID A. CRUSOE
FERNANDO J. CRUZ
STEVEN E. CRUZ
MICHAEL J. CULHANE
BRIAN D. CUMMINGS
STEPHAN E. CUMMINGS
JAMES BRIAN CUMMINS
RAQUEL W. CUMMINS
SEAN P. CUNNIFF
CHARLES R. CUNNINGHAM
IAN M. CUNNINGHAM
JEFFREY G. CUNNINGHAM
MATTHEW A. CUNNINGHAM
PETER A. CUNNINGHAM
ERIC Z. CURRIE
TERSHA LEE CURRIER
JEFFREY J. CURRY
MICHAEL J. CURRY
STEVEN D. CURTIS
TONY L. CURTIS, JR.
TODD A. CURTRIGHT
JONATHAN R. CZARNEY
KEVIN PATRICK DACY
BENJAMIN G. DAINTY
SHIRAZ DALAL
BRYAN A. DALTON
JEFFREY M. DAMRON
ROBERT D. DANYLUK
HOWARD K. A. DARLING
ROBERT D. DAUGHERTY
TERRY M. DAUGHERTY
SUSAN K. DAVENPORT
RYAN J. DAVIDSON
CHRISTOPHER F. DAVINO
BRADLEY G. DAVIS
BRIAN SANDERS DAVIS
DONAVON R. DAVIS
GERALD D. DAVIS
JASON A. DAVIS
JAMES M. DAVITCH
CHRISTOPHER M. DE WINNE
JASON EDWARD DECOURCEY
NICHOLAS J. DEFAZIO
PAMELA J. DEFAZIO
MARK ALAN DEGENHARDT
RYAN J. DEIS
JULIO A. DELANOY
CIRO E. DELAVEGA III
JEROME C. DELEON GUERRERO
CHARISSA V. DELION
JOHN G. DELION
JAMES L. G. DELPH
JAMES Z. DEMCHAK
SEAN G. DEMETER
JAMES J. DEMIS
KATHRYN A. DENDEKKER
GORDON Z. DENG
ALBERT S. DENNEY
ANDRETTA L. DENNIS
DAVID M. DEPIAZZA
JODELL A. DEREUS
JACLYN N. DEROUSH
BRAD JUDE DESMITH
JARED T. DETLOFF
JENNIFER K. DETTMER
ROBERT KRISTOPHER DEUEL
MATTHEW J. DEUFEMIA
MERSADIES N. DEVLIN
WILLIAM W. DEWALT
DARIN D. DIAL
SANDRA JANE DIAS
JESUS DIAZ
GEORGE S. DIBBLE
MATTHEW B. DIBBLE
EDWARD F. DICE, JR.
BRYAN E. DICK
JOHN M. DICKENS
JONATHAN C. F. DIEDRICH
JEREMY SCOTT DIERINGER
MARK J. DIESING
MARCKENSON DIEUJUSTE
JAMES K. DILLARD
STEVEN P. DILLENBURGER
DANA M. DILLING
NORMAN NERU M. DIMALALUAN
DAVID T. DINAN
MAXWELL D. DIPIETRO
KYLE M. DISHMAN
TAMILYN S. DISMUKES
DANIEL W. DITTRICH
DION R. DIXON
KENNETH E. DIXON III
PHILLIP M. DOBBERFUHL
JOHN R. DOBBINS
MARVIN O. DOBBS
JULIA P. DOCKERY
JUNO H. DOCKUM
ERIC CHARLES DOCTOR
RONALD E. DODOLAK
BRIAN A. DODSON
DERRICK R. DODSON
TIMOTHY E. DODSON
DYLAN D. DOMBRET
BRIAN R. DONEHUE
KEVIN J. DORMER
ANDREW I. DORN
DANIEL O. DORRANCE
JOEL D. DOSS
SCOTT L. DOSS
HARLEY K. DOUBET
CURTIS W. DOUGHERTY
PAUL S. DOUGHTY
GREGORY S. DOUGLAS
SCOTT K. DOYER
JESSE S. DOYLE
JEFFREY A. DRISCOLL
CARL A. DRIVER
STEVE DROTOS III
JOSEPH A. DRUMMOND
MARK O. DUCKSWORTH
MATTHEW R. DUDDERAR
JOHN C. DUEMLER III
YON P. DUGGER
EMMANUEL VALDEZ DULAY, JR.
ERIN M. DUNAGAN
TIMOTHY J. DUNAGAN
DAVID JOHN DUNCAN
JAN JAYDEE S. DUNGCA
CHRISTOPHER DUNSTON
BRIAN C. DUREN
FRANK J. DURESKY IV
DANIEL P. DUTCHER
DEREK R. DWYER
TODD C. DYE

WILLIAM P. DYER
JACK A. DYMOND, JR.
JOHN R. DYSON
DARYL A. EASLER
SHAUN M. EASLEY
GERALD G. EASTMAN, JR.
RYAN M. EASTON
JOHNATHAN A. ECCLES
BRET ECHARD
JEFFREY WESTON EDENS
BRANDON B. EDGE
JOSEPH O. EDINGTON
ANGELA C. EDMONDSON
EDDIE EDWARDS, JR.
FREDERICK A. EDWARDS
JENNIFER A. EDWARDS
KENNETH D. EDWARDS
NICHOLAS S. EDWARDS
RODERICK R. EDWARDS
STEPHEN R. EDWARDS
COY W. EGBERT
JOSHUA W. EHMEN
CHARLES L. EICHNER
ADELEKE O. EKUNDAYO
JOSEPH W. ELAM, JR.
MIKAL L. ELDER
MANSOUR G. ELHIHI
DAVID W. ELKINS
MARK D. ELKINS
JEFFREY E. ELLIOTT
JAMES A. ELLIS, JR.
JAMES C. ELLIS
JASON M. ELLIS
KRISTINA L. ELLIS
TROY R. ELLIS
TYLER J. ELLISON
JAKE ALAN ELSASS
PETER T. EMERTON
JAMES G. EMERY
ANTHONY E. EMMERLING, JR.
JAMES K. EMORY, JR.
ANDREW N. EMSLIE
MICHAEL E. ENDRES
JESSE A. ENFIELD
ROSE A. ENGLEBERT
STEVEN J. ENGLER
SCOTT B. ENGLISH
SAMUEL J. ENSMINGER
BRIAN C. EPPERSON
JOSEPH M. EPPERSON
MATTHEW D. EPPLIN
ANTHONY PAUL ERARD
BRIAN J. ERICKSON
CHARLES ALAN ERICKSON
CHRISTINA EILEEN ERICKSON
TARA J. ERLANDSON
JUSTIN WAYNE ERWIN
STEPHEN P. ERWIN, JR.
KEMMEY J. ESTEBAN
AMY C. ESTES
GREGORY D. ETTER
ERIC W. ETTESTAD
JASON R. EVANS
KAREN VALERIE EVERMAN
ANTHONY J. EWERS
RACHAEL MUNRO OTT FAGAN
MATTHEW A. FAHRNER
ERIC KASMER FANCHER
STEVEN R. FARGO
BRANDON IGNATIUS FARINELLI
BRIAN K. FARISS
JEREMY JAKE FARLAINO
BRANDON S. FARLEY
JAYSON L. FARMER
ERIC C. FARQUHAR
SHANNON M. FARRELL
ANTHONY M. FATTIZZI
FRANK FAULHABER IV
ERIC R. FAULK
HERMAN B. FEDRICK
WILLIAM J. FEJERAN
HEATHER M. FENNEL
GERALD DAVID FENSTERER
NICHOLAS G. FERANEC
GERALD J. FERDINAND
WILLIAM M. FERGUSON
JENNIFER S. FERRAU
LAWRENCE J. FIALA
PAUL JOSEPH FIASCONARO
DANIEL B. FICKLIN
SHAWN T. FIEBIGER
DAMON G. FIELD
KENNETH W. FIELDS
ROBERT A. FIELDS
MANOLITO FIGUEROA
JOANNE L. FINAN
ROGER L. FINLEY
ERIK S. FISHER
JEFFREY G. FISHER
KAREN A. FISHER
MICHAEL JASON FISHER
BRADLEY W. FISKE
SPENCER M. FITE
KATHRYN E. FITZGERALD
THOMINA M. FITZGERALD
BRIAN M. FITZPATRICK
ROBERT J. FITZPATRICK
JAMES T. FLAGG, JR.
MATTHEW P. FLAHIVE
ERIC A. FLEMING
SHAUN S. FLINT
MICHAEL J. FLONACHER
THOMAS PIERSON FLOOD
FEDERICO FLORES III
DAVID M. FLOWERS
JARED L. FLOYD
KEVIN C. FLOYD
BRIAN M. FLUSCHE
DEREK B. FLYNN
MATTHEW T. FLYNN
MARK J. FOGEL
DESHAWN C. FOGLE
JOSHUA A. FOGLE
MATTHEW P. FOISY
BRYAN R. FOLEY
JOHN E. FOLEY
PATRICK J. FOLEY
CHRISTOPHER LEE FORD
JAY C. FORD
LANCE A. FORD
JEFFREY A. FORNESS
DAMEN A. FORTE
JEREMY P. FORTIER
RAYMOND JEFFERY FORTNER
LARRY W. FORTSON, JR.
BRADLEY S. FOSTER
BYRON C. FOSTER
JOSEPH D. FOSTER, SR.
MATTHEW FOSTER
JASON M. FOWBLE
JONATHAN ALLEN FOX
JONATHAN R. FOX
RUSSELL E. FOXWORTH
ERIC D. FRAHM
JAMES CHIN KAB FRANCIS
DERRICK R. FRANCK
SCOTT S. FRANK
BRANDON L. FRANKLIN
MICHAEL J. FRASCO
KENNETH C. FRAVOR
TANYA A. C. FRAZIER
STEPHEN E. FREEDMAN
JONAS W. FREEL
AUSTIN J. FREEMAN
BRENT W. FREEMAN
NATHANIEL FREEMAN
RAHSUL J. FREEMAN
WILLIAM E. FREIENMUTH
MARK JOSEPH FREITAS
BIF B. FRENCH
MEGHAN M. FRIDLEY GEIGER
ELIZABETH F. FRIEBEL
HARRISON ISAAC FRIED
SCOTT S. FROHARDT
KENNETH F. FRYAR III
TIMOTHY J. FRYAR
JOHN C. FUCCILLO
CHAD D. FULLER
GARY T. FUNKHOUSER
WYCKLIFFE R. FURCRON
JOSHUA L. FUTCH
JENNIFER A. FYFFE
TERRY L. GABLE
THOMAS P. GABRIELE
KATHRYN K. GAETKE
RYAN M. GAFFANEY
LUIS D. GALLARDO, JR.
MICHAEL L. GALLUCCI
ALEX S. GAPAS
GLENN A. GARCIA
LUIS A. GARCIA
RUDYARD J. M. GARCIA
MICHAEL WILLIAM GARD
HUGH E. GARDENIER
ANNE M. GARDNER
CARRIE R. GARDNER
SEAN B. GARELL
JONATHAN M. GARNER
SHANE W. GARNER
BERNADETTE GARRETT
KENDA MARIE GARRETT
MICHAEL D. GARROTT
MATTHEW S. GARVELINK
JUDY A. GARZA
RICARDO RAUL GARZA
BRANT A. GAST
JOHN D. GATTONE III
DAVID JOSEPH GAULIN
AARON RICHARD GAUTHIER
TROY JOSEPH GEIGER
GABRIEL D. GELDERT
BLAKE H. GEORGE
DANIEL M. GEORGE
PHILLIP M. GEORGE
WILLIAM J. GEORGE
JASON ROBERT GERARD
JASON A. GERBER
ERIC J. GERGEN
SHAUN M. GERMAIN
MICHAEL P. GIACOMAZZI
AARON J. GIBBS
KEVIN P. GIBBS
TODD D. GIBBS
RYAN L. GIBSON
JOHN D. GILBERT IV
KEVIN B. GILBERT
CELESTINA LUNA GILLOW
JACOB M. GILMAN
ANDREW B. GILMER
MAXIM GIMELSHTEYN
JOHN W. GINN
HEATHER L. GINSBURGH
RYAN N. GIVENS
JASON E. GLANOVSKY
AHMAD L. D. GLOVER
DEANNA D. GLOVER
JEFFREY T. GLOVER
ANDREW L. GMYTRASIEWICZ
CORNELIUS T. GODBEE
DANIEL R. GODWIN
PERRY B. GOEBEL
GREGORY S. GOINS
PAUL S. GOLANDO
DAVID W. GOLDEN
BRENT W. GOLEMBIEWSKI
CHUCK B. GOMES
VAUGHN GONZALEZ
CREIGHTON ANDREWS GOODMAN
LARRY L. GOODNITE
RYAN J. GOODWIN
ADOLFO U. GORBEA
JEREMY A. GORE
JOEL E. GORHAM
GREGORY L. GOUGH
JEREMY L. GOULD
ERICH F. GRADE
JOSEPH L. GRAHAM III
MONIQUE CHERIE GRAHAM
MICHAEL C. GRANBERRY
DAVID J. GRASSO
AARON T. GRAY
ANDREW P. GRAY
JAMIE P. GRAY
SAMUEL D. GRAY III
ZACHARY C. GRAY
ESTHER M. L. GREEN
FLOYD F. GREEN
KELLI R. GREEN
KEVIN G. GREEN
ARIANE ELISE GREENMAN
ROBERT C. GREESON
HEIDI N. GREGORY
MICHAEL K. GREGSTON
TIMOTHY GRIFFITH
JOHN E. GRIFFITHS
LAURA L. GRIGGS
DAVID ALAN GRIGSBY
ROBERT E. GRIMMETT III
CHAD RONALD GRONDAHL
LORINE A. GROSSO STEWART
JON GROSSRHODE
JOHN R. GROTH
CHRISTOPHER A. GUARENTE
JARED N. GUDE
CHRISTOPHER A. GUERRETTE
DAVID B. GUETTLER
GREGORY M. GUEVARA
TRAVIS C. J. GUIDT
JEROMY B. GUINTHER
ZACHARIAH C. GUMMERT
IDOLA HENRY GUNN
DAVID R. GUNTER
JENNIFER L. GURGANUS
LAURA K. GURGANUS
CHRISTOPHER M. GUSTIN
MENOLA M. GUTHRIE
CATHERINE E. GUTIERREZ
LUPE GUTIERREZ
MICHAEL A. GUY
DAVID H. GWILT
SCOTT A. HAACK
THOMAS W. HAAS
CURT A. HAASE
JAMES E. HABECK
SAIDA M. HAGE
JAMES C. HAGEMIER
NICHOLAS J. HAHN
TIMOTHY G. HAHN
ROBERT W. HAIRSTON
DAVID A. HAJEK
MARSHALL E. HAKER
CALEB MICHAEL HALEY
BRIAN P. HALL
MARK E. HALL
RAYMOND LYNN HALL
SEAN P. HALL
JOSHUA M. HALLADA
WARREN M. HALLE
STEVE HAMAMGIAN
JERRY T. HAMBRIGHT
OMAR J. HAMILTON
REGINALD K. HAMILTON
TUCKER R. M. HAMILTON
JAMES A. HAMMAN
JOSEPH J. HAMMES
GREGORY D. HAMMOND
JOHN S. HAMPEL
BETSY DOMBERT HAND
JERAD M. HAND
GREGORY S. HANEY
JASON C. HANEY
TIMOTHY B. HANKS
JASON T. HANSBERGER
ROBERT A. HANSEL
AARON J. HANSEN
CHARLES G. HANSEN
DUSTIN H. HANSEN
JAMIE C. HANSEN
BROOKE L. HANSON
MICHAEL D. HANSON
STEVEN C. HANSON
SEAN H. HANSTAD
ROBERT H. HARDENSTINE
ADAM D. HARDER
JOSEPH J. HARDING
DUSTIN D. HARMON
JONATHAN D. HARMON
THOMAS LOYALL HARNER
EDMUND K. HARRINGTON
JAMES M. HARRINGTON
CATHY L. HARRIS
EDWARD R. HARRIS
FENCISCO N. HARRIS
NEIL J. HARRIS
RYAN J. HARRIS
JOSEPH P. HARRISH III
BRIAN K. HARRISON
NATHAN N. HARROLD
RICHARD K. HARROP
DUSTIN M. HART
ERIC W. HART

JON M. HART
REBECCA ANNE HART
SAMUEL A. HART
ROBERT B. HARTLAGE
TRAVIS N. HARTLEY
BRANDAN M. HARTMANN
JUSTIN K. HARVEY
KEVIN M. HARVEY
RYAN J. HARVEY
RYAN K. HARVEY
BRIAN W. HASBROUCK
WILLIAM J. HASSEY
JACKIE J. HATLEBERG
DANA HATTABAUGH
MICHELLE A. HAWK
WADE A. HAWKINS
CODY L. HAWKINSON
JAMES H. HAYES III
JOHNNY T. HAYES
TAUNYA W. HAYES
MARSHAL T. HAYLETT
JOSEPH A. HAYNES
SCOTT M. HAZY
DANIEL T. HEALEY
MATHEW J. HEATHVANHORN
RICHARD M. HEBB
ROBERT W. HEBERT
BRIAN DAVID HECK
JEREMY D. HEDGES
DANIEL B. HEELY
DAWN L. HEFFELFINGER
COLEITHA M. HEFFNER
CHAD L. HEIMAN
OWEN R. HEIN
NATHANIEL T. HELD
TIMOTHY M. HELFRICH
MICHAEL M. HELGESON
ROBERT C. HEMBACH
MATTHEW L. HENCKE
COLIN D. HENDERSON
JENNIFER LEE HENDERSON
JOSHUA JAMES HENDERSON
MARK T. HENDERSON
RONALD E. HENDERSON
JACOB A. HENDRICKSON
PAUL D. HENDRICKSON
JONATHON I. HENRY
SHELBY B. HENRY
MICHAEL J. HENSON
DAVID M. HENZE
ANTHONY C. HENZEL
TRAVIS J. HERBRANSON
MARIA B. HEREDIA
JIMMY A. HERNANDEZ
MARIO HERNANDEZ
CARY W. HERNDON III
JESSE JOHN N. HERRERA
COLIN N. HESS
CHRISTOPHER D. HETRICK
RANDALL J. HEUSSER
CLIFFORD ALLEN HEWITT II
JOSEPH A. HEXT
MICHAEL J. HICKAM
DONALD G. HICKS
JUSTIN A. HICKS
SHAWN D. HIGBEE
TRACY SCOTT HIGHNOTE
BENJAMIN R. HILD
DANIEL J. HILFERTY
NATASHA A. HINKSON
MATTHEW J. HLIVKO
PHIL C. HOARD
CHRISTIAN P. HODGE
JUSTIN A. HODGE
LORI R. HODGE
JON G. HODGSON
BRIAN P. HOELZEL
RANDAL E. HOEWT
HANS G. HOFFMAN
STEPHEN D. HOFMANN
BRYAN J. HOGAN
SEAN P. HOGGS
LUKE A. HOHREITER
LEE A. HOLFERT
JEFFREY J. HOLLEY
DOUGLAS R. HOLLIDAY
RICHARD J. HOLLINGER
MICHAEL J. HOLLINGSWORTH
COLLEEN HOLLIS
KENNETH A. HOLMES
NICHOLAS H. HOLMES
BRUCE E. HOLMGREN
ETHAN D. HOLT
JARED J. HOLT
KARENA M. HOLT
ROBERT C. HOLT
CLARINDA T. HOLTON
MELISSA C. HOLYFIELD
PAUL B. HOMAN
ZOLTAN L. HOMONNAY
JASON R. HOMRIG
JASON B. HONABARGER
CALEB J. HONSINGER
ANTWAN T. HOPKINS
AUDREY L. HOPPE
CHRISTOPHER L. HOPPIN
JERRY R. HOPSTER
MATTHEW I. HORNER
MICHELLE L. HORNER
BENJAMIN CLARK V. HORTON
LISA A. HORTON
MATTHEW T. HORTON
JAMES L. HOSEY
SONJA AMBERKUCHM HOSLER
RICKY L. HOUSE
MICHAEL J. HOVASTAK
JARED W. HOWARD
MATTHEW W. HOWARD
JOSEPH A. HOWELL
JOSEPH HOWERTON
SEAN F. HOWLETT
CHRISTOPHER J. HUBBARD
KRISTIN M. HUBBARD
TOBY M. HUBBARD
DONALD E. HUDSON, JR.
SEAN W. HUDSON
BRAD S. HUEBINGER
NICK A. HUET
BRANDON R. HUFF
BRYAN C. T. HUFFMAN
JASON RAY HUFFMAN
ANDREW W. HULL
GABRIEL M. HULL
SHAUN JOSEPH HUMPHREY
SARAH L. HUMPHREYS
JAMIE L. HUMPHRIES
STEVEN R. HUNEYCUTT
JENNIFER E. HUNNICUTT
ANDREW W. HUNT
DAVID LOUIS HUNTER
BRIAN J. HURLEY
ROSS HUSTINGS
CASEY JONATHAN HUSTON
KRISTIN E. HUSTON
DOUGLAS J. HUTTENLOCKER
MATTHEW T. HYLAND
MATTHEW L. HYLTON
SCOTT THOMAS IACONO
AMY L. IANACONE
NICHOLAS R. IHDE
DAVID STEVEN ILLSLEY
JOHN J. IMHOFF
SCOTT W. INFINGER
JOEY W. INGRAM
JOSH T. IRVINE
DAVID S. ISAKSEN
KLAYTON A. IVES
DERRICK J. IWANENKO
JONATHAN IZWORSKI
AMBER LEIGH LYNN JACKSON
DENNIS E. JACKSON
ELI N. JACKSON
JOSHUA A. JACKSON
ROBERT G. JACKSON
STEPHANIE D. JACKSON
BRIAN M. JACOBSEN
MARK D. JACOBSEN
RANDY JACOBSON
DARREN E. JAMES
ZINNIA P. JAMES
DICK A. JANSSEN
JOHN J. JANUSZ
CARLOS B. JAYME
JULIA E. JEFFERSON
BILLY L. JEFFORDS, JR.
DOUGLAS CREELMAN JEFFREY IV
CHRISTOPHER G. JEFFREYS
ROBERT N. JENKINS, JR.
SHAWN P. JENKINS
THOMAS JONATHAN JENKINS
CHRISTOPHER A. JENNETTE
KIMBERLY A. JENNINGS
MICHAEL L. JENNINGS
RODGER A. JENNRICH
PATRICE D. JERNIGAN
JOHN M. JEWELL
BLAINE M. JOERSZ
MATTHEW W. JOHANNING
MONIKA MAILEYOSH JOHNCOUR
ABBILLYN MARIE JOHNSON
DOUGLAS JOHNSON
ERIC B. JOHNSON
JACOB C. JOHNSON
JAMIE J. JOHNSON
JENNIFER M. JOHNSON
LEWIS GREGORY JOHNSON
TIMOTHY R. JOHNSON
WILLIAM F. JOHNSON III
WILLIAM G. JOHNSON, JR.
ZACHARY D. JOHNSON
JOHN MARK JOHNSTON
KIRK C. JOHNSTON
TAYLOR J. JOHNSTON
MICHAEL P. JOKHY
ADRIENNE BEATRICE L. JONES
BLAINE WARREN JONES
EDWARD E. JONES
ERIC A. JONES
JEFFREY E. JONES
MARK F. JONES
MARK N. JONES
REBB S. JONES
RYAN P. JONES
STACY A. JONES
STEPHEN G. JONES
ALVIN G. JORDAN, JR.
BART A. JORDAN
JEREMY D. JORDAN
MONICA P. JORDAN
SETH H. JORDAN
KENNETH JOSEPH
MATTHEW H. JOSEPH
ORYAN H. JOSEPH
ROBBI A. JOUBEN, JR.
ANDREA S. JUDKINS
CHARLES A. JUHL
KENNETH KOBEY JUHL
ALEKSAS R. JUSKYS
JEFFREY R. KAEPP
MATTHEW L. KAERCHER
KURT LEE KAISER
SARAH S. KAISER
SERGEY M. KAPLAN
ERIKA N. KASPRZAK
DANIEL R. KATKA
KRISTEN R. KAYATA
THOMAS R. KEEBLE
LISA D. KEENA
JEFFREY E. KEIM
BRIAN S. KELLAM
CHRISTOPHER J. KELLER
JONATHAN ABNER KELLER
JAMES P. KELLEY
MARY J. KELLEY
AMANDA M. KELLY
CHRISTOPHER P. KELLY
LATONYA R. KELLY
PATRICK J. KELLY
WILLIAM J. KELLY
JOHN W. KENDALL
MATTHEW R. KENKEL
JENNIFER E. KENNEDY
SABRINE T. KENNEDY
SUSAN B. KENNEY
MELISSA L. KEOUGH
JASON D. KERBS
STEPHEN J. KERELEJZA
JAMES GREGORY KERLEY
WILLIAM ROSS KERR
BARRY M. KETCHIE
JEFFREY S. KETTERLING
AMIT K. KHOSLA
NATHAN W. KIBBY
MICHAEL J. KIDD
SHAWN T. KIDD
CHON Y. KIM
DAVID T. KIM
MARK E. KIMBALL
AMBER LYNN KIMBRELL
BARNEY T. KING II
JAMES C. KING, JR.
JOSHUA ARTHUR KING
MATTHEW L. KING
KELLI S. KINLEY
ALTON C. KINSEY
LUCAS J. KIPPERT
TIMOTHY D. KIRCH
DANIELLE R. KIRK
TROY R. KIRKBRIDE
DAVID M. KIRKENDALL
KENNETH M. KIRKPATRICK
ALEXANDRA M. KISH
RANDALL KLATT
RUSSELL HENRY KLAWITTER
AARON J. KLEIMAN
JACOB A. KLEINSASSER
ROBERT J. KLINE
CLAIR L. KLING
KORY R. KLISMITH
JILL S. KLOOSTER
THOMAS KLUSEK, JR.
BRENT J. KNAPP
JARROD E. KNAPP
DAVID M. KNIGHT
RONALD A. KNIGHT, JR.
JOSEPH A. KNOTHE
AMANDA ELIZABETH KNOTTS
GARRETT W. KNOWLAN
ADAM GREGORY KNOX
SHELDON S. KNUDSEN
TIMOTHY J. KNUDSON
ROBERT M. KOCHAN
PAUL I. KOECHER
CHRISTOPHER A. KOELTZOW
DANIEL R. KOEPPL
STEVE D. KOLY
ROBERT KOO
MATTHEW W. KOPP
ANDREW N. KORSMO
NATHAN D. KOSS
MARCUS K. KRAUSHAAR
DAVID A. KREBS III
KEVIN L. KRETZ
MICHAEL P. KREUZER
DAVID J. KRITZ
PATRICK F. KRIZ
JEREMY T. KRUGER
KYLE R. KRUGER
JAMES L. KUCHTA
TIMOTHY A. KUECHLE
MICHAEL N. KUEHNI
TRAVIS J. KUENZI
JASON G. KUHL
MICHAEL A. KUMP
MICHAEL J. KUSSAVAGE
ERIC A. KUT
DANIEL J. KWIATKOWSKI
ALVIZ T. G. LACANILAO
MATTHEW A. LACKEY
JOSEPH P. LACLEDE
JUSTIN N. M. LACOMB
CHRISTINE G. LADRIDO
JOSEPH M. LADYMON
RUSTIN A. LAFURNEY
MICA TYLER LAKE
BRYAN D. LAMB
LINDSEY D. LAMB
RODNEY A. LAMBERT
WILLIAM C. LAMBERT
PATRICK LOUIS LAMIE
DAVID M. LAMME
MATTHEW C. LANDE
WILLIAM A. LANE
ANTHONY L. LANG
GLEN G. LANGDON
BROCK E. LANGE
CHARLES G. LANGHOFF
JOHN D. LANGSHAW
KYLE D. LANTO
GREGORY NOAH LAPIDAS
PIERRE R. LAPLUME

RICARDO LARA III
SHARON E. LARGE
MYRON ALLEN LARRICK
KEVIN D. LARSON
MICHAEL D. LARSON
PHILLIP K. LARSON
RICHARD R. LARSON
FREDERIC LATHROP
ANTHONY T. LAU
MICHAEL J. LAUBACH
PHILIP A. LAUGHLIN
JAMES A. LAWSON
CHRISTOPHER C. LAZIDIS
DAVID K. LEAHY
DAVID C. LEAUMONT
MICHAEL D. LEAVER
KEVIN S. LEAVITT
YOGI L. LEBBY
JASON M. LEBLANC
JOSE A. LEBRON
MICHAEL P. LECCO
JACOB D. LECK
BRANDON T. LEDBETTER
JEFFREY A. LEDERHOUSE
DARRICK B. LEE
JON C. LEE
SHAWN P. LEE
SIYEON LEE
BENJAMIN D. LEESTMA
JOSHUA J. LEETE
JOSHUA M. LEIBEL
ELLIOTT J. LEIGH
CHAD E. LEISENRING
JADE M. LEMERY
MARY Z. LENT
CHRISTOPHER LENYK
CHARRI R. LEONARD
MICHAEL JAMES LEONARD
MATTHEW E. LESTER
GRETCHEN T. LEWIS
JAMES J. LEWIS
LINDA L. LEWIS
MARC LEWIS
MATTHEW D. LEWIS
MICHAEL J. LEWIS
VICTOR S. LEWIS
RYAN B. LEY
THOMAS JOSEPH LEYDEN
DANIEL THOMAS LIGHT
BRIAN P. LIGHTSEY
DWAYNE EDWARD LILLER
MATTHEW D. LILLY
MICHAEL R. LILLY, JR.
DANIEL J. LINDLEY
DANIEL R. LINDSEY III
EWELL D. LINGAR
STEVEN C. LIPINSKI
ROYCE MICHAEL LIPPERT
RYAN M. LIPPERT
PATRICK W. LITTLE
REBECCA LITTLE
REUBEN J. LITTON
ROBERT J. LITWIN
ROBERT LIU
LARRY C. LLEWELLYN II
LAWRENCE A. LLOYD
JOSHUA L. LOGIE
KEVIN B. LOMBARDO
ADAM N. LONG
JUSTIN M. LONG
MARK D. LONGENECKER
TRAVIS L. LONGMIRE
JOSEPH J. LOPEZ
ROBERT T. LORD IV
KEITH E. LORENZ
NATHAN A. LOUCKS
KENNETH Y. LOUIE
ROBERT LEE LOUNSBURY
DAVID L. LOUQUE, JR.
BRIAN T. LOVE
CLARENCE LOVEJOY III
SEAN E. LOVELL
DENNIS K. LOVIN
LUIS P. LOZADA
PAUL F. LUCAS, JR.
BRYAN R. LUCERO
LUKE A. LUCERO
MEGAN M. LUKA
MATHEW LUKACS
HENRY R. LUKE, JR.
TIMOTHY JAMES LUNDBERG
HORACE R. LYNCH
JEFFREY S. LYNCH
MICHAEL J. LYNCH
MICHAEL R. LYNCH
SHAWN C. LYNCH
RICHARD H. LYON
STEPHEN G. LYON
PATRICK B. LYSAGHT
LEV S. LYUBCHENKO
DOUGLAS W. MABRY
JEFFREY M. MACK
ADAM S. MACKENZIE
LUKIS M. MACKIE
DAVID L. MACVOY
KEVIN W. MADDEN
KENNETH A. MADSEN
RAYMOND MAGALLANEZ, JR.
ELMARKO P. MAGEE
JONATHAN H. MAGILL
MICHAEL D. MAGINNESS
DAVID A. MAGOC
JOHN H. MAHAN
SCOTT ANTHONY MAJOR
EDWARD H. MALASKA III
RICHARD M. MALERBA
BOHDAN MALETZ
JASON J. MALEWISKI
JEFFREY P. MALINEN
EDWARD MANGUAL
JOHN K. MANIBUSAN, JR.
ERIC L. MANN
JAMES C. M. MANNA
GENE M. MANNER
DAVID C. MANNING
RYAN D. MANTER
MICHAEL S. MANUEL
KEEGAN K. MAPLE
CATHRINE J. MARCHESSEAULT
RYAN C. MARCOTTE
DANIEL A. MARCUM
VICTOR M. MARICHAL
FRANCIS R. MARINO
MICHAEL P. MARIOTTI
MARCUS C. MARIS
JOSEPH P. MARKOWSKI
ROBERT R. MARLOW
KEVIN B. MARMILLION
ROBERT C. MARQUEZ
RONALD ANTHONY MARQUEZ
EMILY N. MARR
CAROL L. MARRUJO
DAVID W. MARSHALL
ROBERT B. MARSHALL
TOMMY V. MARSHALL II
STEPHEN T. MARTENZ
DANIELA M. MARTIAN
BRIAN A. MARTIN
JEFFREY RICHARD MARTIN
RICHARD J. MARTIN II
DAVID CHRISTIAN MARTINEZ
JOHN A. MARX
JASON A. MASCETTA
ERIC J. MASTERS
PETER C. MASTRO
ANDREW W. MASUR
ROBINSON R. MATA
DAVID E. MATHER
WILLIAM L. MATHIEU
SCOTT DAVID MAULDIN
PETER J. MAURO
JASON E. MAYNE
ROMAN R. MAYNES
JOSHUA P. MAYO
MARC ANTHONY MAZZA, JR.
PAUL D. MCARTOR
MATTHEW JASON MCBLAIR
WILLIAM T. MCBRIDE
CARL J. MCBURNETT, JR.
JONATHAN F. MCCALL
JASON M. MCCANDLESS
JASMINE M. MCCANN
MICHAEL G. MCCARTHY
ANTHONY S. MCCARTY
THOMAS J. MCCARTY
CHARLES MCCLAIN
PETER A. MCCLELLAN
EVE M. MCCLOUD
PHILIP R. MCCLURE
MATTHEW T. MCCOACH
CHRISTOPHER M. MCCOLLUM
JON D. MCCOMB
BRADY S. MCCONNELL
MICHAEL J. MCCOURT
BRIAN M. MCCREARY
DO HUN MCCUTCHEON
TAMARA D. MCCUTCHEON
EDMUND R. MCDANIEL
WILLIAM R. MCDANIEL IV
KRISTI A. MCDONALD
WANDA M. MCDONALD
WILLIAM E. MCDOUGALL
ANDREW R. MCDOWELL
TODD A. MCDOWELL
WILLIAM L. MCDOWELL
PATRICK M. MCGARRY
DAVID T. MCGARVEY
THOMAS M. MCGILLICUDDY
KENNETH M. MCGINNIS
SHAUN M. MCGOWAN
JILL R. MCGRAW
RICHARD E. MCGREEHAN, JR.
JONTAE S. MCGREW
KENNETH O. MCGREW
MICHAEL J. MCGREW
JONATHAN W. MCGUGIN
ROY KAIPO MCGUIRE
RYAN M. MCGUIRE
JOSEPH M. MCHUGH
SAMUEL G. MCINTYRE
JEFFREY E. MCKAMEY
MICHAEL B. MCKENZIE
KINDAL T. MCKINNEY
ORTAVIOUS L. MCKINZIE
DANIEL RICHARD MCLALLEN
KEAGAN L. MCLEESE
SCOTT M. MCMAHON
STEPHEN C. MCMAHON
DAVID R. MCMANAWAY
MARC B. MCMANNON
BRIAN E. MCMANUS
JEFF D. MCMASTER
ROBERTA ELIZABETH MCMICHAEL
BRIAN WILLIAM MCMILLIN
WILLIAM B. MCRAVEN
BRANDON G. MCRAY
PATRICK MICHAEL MCSHERRY
STEVIE MEDEIROS
DANIEL MEDINA
THOMAS E. MEDLAND, JR.
DOUGLAS P. MEDLEY
BRIAN D. MEEKER
PHILIPPE K. MELBY
MARK A. MELIN
DALE A. MELTON
MICHAEL E. MELTON
KEITH A. MELVIN
VICTOR O. MENAGARCIA
DANIEL E. MENDOZA
TIMOTHY P. MENGES
DENNIS G. MENJIVAR
STUART R. MENN
ALEC J. MENONI
NEIL A. MENZIE
JIM L. MERCADO
WILLIAM G. MERCER
JAMES R. MERENDA
JASON K. MERRILL
JONATHAN L. MERRILL
DAVID T. MERRITT
ROBERT D. MERWIN
MATTHEW D. MESHANKO
TIMOTHY J. METZ
SCOTT A. METZLER
DOUGLAS S. MEYER
KYLE JAMES MEYER
ERIKA L. MEYERS
CHARLES D. MICHAELS
DERRICK CHARLES MICHAUD
CHRISTOPHER A. MICHELE
JASON M. MILAD
TERRI S. MILES
DAVID WESTLEY MILLER
GREGORY R. MILLER
JARED A. MILLER
JASON M. MILLER
NICHOLAS R. MILLER
ROBERT D. MILLER
VIPAWAN MILLER
WALTER W. MILLER II
ZACHARY R. MILLER
AMBER LEE MILLERCHIP
ANDREW A. MILLIGAN
DAVID G. MILLS
JONATHAN L. MILLS
JUSTIN K. MILLS
PATRICK J. MILLS
RENATA G. MILLS
BENJAMIN W. MINUS
STEPHEN S. MIRACLE
CRISTINA M. MIRANDA
MATTHEW C. MISNER
ALFRED C. MITCHELL, JR.
BARRY R. MITCHELL
CHRISTOPHER P. MITCHELL
ELI G. MITCHELL
NATHAN H. C. MITCHELL
RICK E. MITCHELL
TIMOTHY M. MITCHELL
JOEL A. MITRE
BRIAN S. MIX
KRISTY L. MIX
MICHELLE M. MOBLEY
MICHAEL R. MODESTO
ROSS A. MOL
ENRIQUE D. MOLANO
DANIEL MOLINA
ANTHONY R. MOLLISON
DEREK C. MOLLOY
JASON TODD MONACO
GILDARDO MONCADA, JR.
ORVIN R. MONROIG
CARLOS H. MONTANCES
RUSSELL T. MONTANTE, JR.
REBEKAH G. MONTGOMERY
MICHAEL S. MONTIER
HOWARD THOMAS MOORE
KRISTY L. MOORE
SAMUEL A. MOORE
DAVID J. MORALES
KEITH B. MORENO
JAMES W. MORFORD
ROBERT E. MORGAN
ROBERT IN MORGAN
MIA L. MORIN
ALLEN C. MORRIS, JR.
CHRISTOPHER A. MORRIS
DAVID C. MORRIS
DONALD A. MORRIS
TIMOTHY L. MORRIS
MARGARET A. MORRISON
ROBERT D. MORRISSETTE
JESSE K. MORSE
WILLIAM B. MORSE
ARNOLD R. MOSLEY
KIMMY L. MOSS
SCOTT D. MOTLEY
GREGORY M. MOULTON
CHRISTOPHER E. MUELLER
FREDERICK G. MUELLER, JR.
GRAYDON L. MULLER
MICHAEL SCOTT MULLIN
CREIGHTON A. MULLINS
NELSON ROBERT MUMA II
DAVID T. MUNOZ
WAYNE M. MURANAKA
GALAN J. MURPHY
MARK A. MURPHY
MATTHEW T. MURPHY
EAMON R. MURRAY
RYAN E. MURRAY
SHANE PATRICK MUSCATO
BRIAN D. MUTO
ANTHONY J. MYERS
KIMBERLY A. MYERS
JEFFREY E. NAFF
KRISTOPHER C. NAGY
RICARDO NAJERA
KEITH S. NAPOLITANO
JONATHAN S. NAVARRA
ERIC JOHN NAVARRE

ERIC N. NAVARRETE
CHRISTINE NAVARRO
FRANCIS SHANE NAVARRO
RAYMOND A. NAYLOR IV
BRIAN B. NEAL
LAWRENCE B. MIO NEEDHAM III
ALEXANDER W. NELSON
EMILY B. NELSON
ANDREW C. NEMETH
BRUCE C. NESTER
ERIC S. NEUBERT
JESSE H. NEWBERRY
LEA NEWMAN
JUSTIN FRANKLIN NEWTON
LOC H. NGUYEN
QUOCNAM T. NGUYEN
ROBERT W. NICHOLS
STACEY N. NICHOLS
MICHAEL A. NIELSEN
GREGORY L. NISULA
THOMAS I. NIX
ADAM L. NOBLE
JEFFREY W. NOBLE
GENE H. NOH
DAVID A. NOLAN
RYAN P. NOONAN
NICHOLAS H. NOREUS
SCOTT T. NORMAN
STEVEN NORRIS
PETER CHARLES NORSKY
JAMES D. NORTHAMER
TED T. NORTHROP
MICHAEL J. NORVELL
VRETTOS W. NOTARAS
DEREK S. OBLANDER
MATTHEW OCHOA
ANDREA M. OCONNOR
JONATHAN ANDREW ODELL
JUN S. OH
SHAWN D. OHLER
PATRICK L. OKEEFE
MICHAEL D. OLDHAM
JAIME OLIVARES
STEPHEN A. OLIVARES
TREY J. OLMAN
MARK T. OLMSTEAD
SETH MONROE OLSON
TIMOTHY M. OMAHONEY
MICAH V. ONEAL
VIOREL OPREA
GREGORY P. ORBINO
URIAH L. ORLAND
FRANCISCO J. ORTEGA, JR.
SISTO M. ORTIZ
JASON N. ORTOLANO
MARC T. ORTON
RICHARD C. ORZECHOWSKI
NATHANIEL S. OSBORNE
JARED J. OSTROSKI
RYAN G. OUGH
CHAD D. OVERTON
NATHAN H. OWEN
RICHARD L. OWENS
SHAWN M. OWENS
TYISHA L. OWENS
DAVID O. PABST
CHRISTOPHER C. PACE
JEFFERY A. PACKARD
RAUL D. PADILLA
MATTHEW G. PAETZHOLD
RAYMOND R. PAGE
ANNETTE M. PAGLIA
JACOB B. PAIRSH
MICHAEL P. PALIK
CHRISTOPHER N. PALMER
JOSEPH L. PALMER
ERNESTO GOMEZ PANDES
WILFREDO PANTOJA
TIMOTHY KARL PAPE
TERRY L. PARHAM
MATTHEW A. PARKER
STEWART J. PARKER
RAYMOND M. PARNTHER, JR.
KEVIN L. PARSONS
STEPHEN M. PARSONS
RICHARD W. PARTAIN
JARED D. PASLAY
RIMPA PATEL
ANDREW M. PATRICK
TODD T. PATTERSON
JASON VICTOR PAUL
MICHAEL E. PAXON
DAVID L. PAYTON
NATHANIEL A. PEACE
THOMAS MICHAEL PEARSALL
PATRICK B. PEARSON
ROBERT J. PEARSON
COREY LEE PEAY
ERIC VERNET PEDERSON
NICHOLAS R. PEDERSON
JOHN M. PELTIER
TIFFANY E. PENCE
JUSTIN T. PENDRY
SERGIO P. PEREZ
JORGE N. PEREZBENITEZ
CHAD L. PERRY
NATHAN C. PERRY
JOSHUA J. PERSING
KRIS J. PERSON
SANDRA A. PERTUIT
ERIC R. PESCHELL
CHRISTOPHER R. PETEK
DEEPAK C. PETER
SAMUEL J. PETERS
AMY N. PETERSON
ANDREW J. PETERSON
BENJAMIN W. PETERSON
CHAD ARTHUR PETERSON
CHRISTOPHER D. PETERSON
ERIC M. PETERSON
JOSEF N. PETERSON
RYAN J. PETERSON
MICHAEL A. PETRELLA
KATHERINE E. PETREN
NICHOLAS J. PETREN
GIA L. PETZ
JAMIE P. PHAIR
BRIAN D. PHILLIPS
DEANNA M. PHILLIPS
JENNIFER M. PHILLIPS
LANDON K. PHILLIPS
NICHOLAS W. PHILLIPS
THOMAS E. PHILLIPS, JR.
MARTIN PHILOGENE
WILLIAM M. PHIPPS
JAY KHAM PHOMAVONG
SEAN P. PICCIRILLI
ANTHONY L. PICKETT
BENJAMIN T. PIERCE
CRAIG ALLEN PIPER
STEPHANIE LEIGH PLAIT
ROGER C. PLATTEBORZE
BRETT E. PLUMMER
ZOFIA A. PLUMMER
CHRIS P. PLYMALE
ARTIS M. POE III
KENNETH POINDEXTER
VINCENT L. POLITTE, JR.
MATTHEW A. POLUS
KURT C. PONSOR
NICHOLAS JOHN POPP
HENRY E. PORTER, JR.
CHRISTOPHER D. POTTER
GREGG D. POTTER
JASON A. POWELL
NATHAN J. POWELL
DONALD W. POWERS
PARNELL R. PRASSADA
TRAVIS RICHARD PRATER
ROBERT G. PRAUSA
DEANA M. PRESCOTT
BRIAN S. PRESSLER
CHRISTOPHER D. PRICE
LATRACIA T. D. PRICE
MATTHEW M. PRICE
GLENN S. PRIDDY
MARK I. PRIDE
WALTER H. PRIEBE III
MICHAEL L. PRIMIANO
JESSE MICHAEL PROCTOR
ERRYN CHRISTINE PROVENCHER
MATTHEW J. PROVENCHER
JONATHAN P. PROVENS
JAMES A. PRUCHNIC
MARK A. PRUSINOWSKI
JOSHUA A. PUGLIESE
ANTHONY J. PULEO
JOSEPH C. PULLIAM
DANIEL W. PUPICH
NATHANIEL SHANE PURSELL
JEREMY S. PUTMAN
SHINGO K. PYO
ERIC B. QUIDLEY
JOSEPH T. QUILLIN
SKYLAR E. QUINN
MATTHEW J. QUINTON
MATTHEW A. QUITTER
MICHAEL L. RAABE
MATTHEW R. RABE
JENNIFER A. RACINE
BRIAN LOUIS RAFFA
ERNEST COREN RAHN
NATHAN M. RAIBLEY
EUGENE K. RAINEY
JAMES A. RAINS
JOSE A. RAMIREZ
RACHEL RAMOS
KELLY SUZANNE RAMSEY
REGGINAL E. RAMSEY
ANTHONY M. RANDALLCLAUSEN
DARRELL RANDOLPH
RUTH J. RANDOLPH
SETH ADAM RANN
ANTHONY S. RAPHAEL
PATRICK J. RARING
KENNETH M. RASZINSKI
NICHOLAS D. RATERMANN
STACY M. RATHJE
ERIK P. RATHKE
DAVID J. RATLIFF
GRANT ANDERSON RAUP
TIMOTHY S. RAVAS
BRYAN E. RAY
DARRYL R. RAY
BRIAN S. REASER
ERIK V. REDL
CECIL E. REDMON II
HOWARD L. REED
MICHAEL ALLEN REED
RONALD KEVIN REED
CHRISTOPHER L. REESE
RUSSELL T. REESE
JEFFREY S. REGAN
JOSEPH P. REICH III
AARON D. REID
RONALD J. REIDEL
BRANT CONOR REILLY
MICHAEL J. REIMERS
CHAD C. REINERT
DANIEL J. REISNER
SARAH GILLIAN REKSTEN
MICHAEL JOSEPH RENDOS
CHRISTOPHER J. RETENELLER
JOSEPH F. REVETERIANO
JASON RICHARD REYES
BENJAMIN A. REYNOLDS
ERIN S. REYNOLDS
ANTHONY G. RHOADES
BRIAN S. RHOADES
MERLE G. RICHARD
MICHAEL P. RICHARD
CHAD M. RICHARDS
JONATHAN L. RICHARDS
CASEY E. RICHARDSON
JASON S. RICHARDSON
KARLA S. RICHTER
ZACHARY D. RICHTER
RYAN ANDREW RICKERT
JOHN J. RIESTER
JESSE L. RIGGERT
JOHN M. RIKER
DANNY GENE RILEY II
MARGARET MARIE RIOS
DUSTIN C. RIPLEY
ALEXANDER M. RISEBOROUGH
PATRICIA A. RISNEAR
CHRISTOPHER S. RITTER
JEREMY J. RITTER
BRENT G. RITZKE
RENEE E. RIVERA
VICTOR J. RIZZO
SHELBY J. ROBB
BRENT R. ROBBINS
BRIAN C. ROBBINS
NICHOLAS EHRICH ROBBINS
ADAM K. ROBERTS
JAMES E. ROBERTS
KENNETH A. ROBERTS, JR.
MATTHEW C. ROBERTS
BRIAN R. ROBERTSON
DANIEL J. ROBERTSON
SCOTT J. ROBERTSON
CHRISTOPHER L. ROBINSON
DEVELON J. ROBINSON
FRANKIE G. ROBINSON
PAUL D. ROBINSON II
TIMOTHY M. ROBINSON
MICHAEL THOMAS ROCHE
TOMMY S. E. ROCKWOOD
JASON S. RODGERS
KEITH FRANKLIN RODGERS
JAMES A. RODRIGUEZ
JORGE C. RODRIGUEZ
RAMON P. RODRIGUEZ
ERIC D. ROEHRKASSE
CHAD T. ROGERS
LOUIS P. ROGNONI III
DAVID E. ROHLINGER
ANDREW C. ROLLINS
MICHAEL H. ROOD
EUGENE F. ROOKER, JR.
CHRISTOPHER J. ROOME
ADAM H. ROSADO
ROLAND ROSARIO
ROBERT C. ROSEBROUGH
JEFFREY RYAN ROSENBERRY
CRAIG STEVEN ROSENGARTEN
ALLEGRA L. ROSLER
GREGORY K. ROSS
MATTHEW C. ROSS
WILLIAM D. ROSS
ZACHARY K. ROSSON
MICHAEL A. ROTHE
GEORGE A. ROTHHAUPT
METODI V. ROULEV
NICHOLAS G. ROWE
KEVIN P. ROWLETTE
MARCUS W. ROWLEY
EDWIN RUCKWARDT
JENNIFER D. RUDIGER
ERIC E. RUDOLPH
JUSTIN R. RUFA
ANDREW D. RULE
RICHARD G. W. RULIFFSON
DAVID G. RUNELS
RAYMOND M. RUSCOE
BRIAN M. RUSSELL
ERIC J. RUSSELL
JASON I. RUSSELL
JERIMIAH D. RUSSIAN
REBECCA F. RUSSO
WILLIAM J. RUSTAD
ETHAN A. RUTELL
JAMES L. RUTLEDGE
JOHN R. RYAN
KATHERINE ANNE RYAN
NICHOLAS PATRICK RYAN
SCOTT D. RYDER
MARK J. SAAR
WILSON E. SAGENDORPH III
TYSON KELLY SAILER
JERMAINE S. SAILSMAN
CONSUELO SALAZAR
CHRISTOPHER L. SALDANA
MICHAEL WILLIAM SALGADO
JARED E. SALK
TODD J. SALZWEDEL
NICHOLAS F. SAMMONS
DAVID L. SANDERS
NICHOLAS B. SANDERS
SHANE J. SANDSTROM
CHARLES S. SANDUSKY
MATTHEW P. SANERA
RYAN A. SANFORD
VONDRAY L. SANFORD
WILLIAM W. SANFORD
RYAN P. SANJENIS
DERRICK C. SARACENI
MARK W. SARGENT
BRIAN K. SATTERLEE
JAMES MICHAEL SATTLER

NICHOLAS R. SAUCIER
LUKE M. SAUTER
AARON C. SAYLER
LARRY M. SAYLOR, JR.
TIMOTHY E. SCARIANO
STEVEN MICHAEL SCHAAR
ERIK D. SCHILLING
JASON A. SCHLARB
EDWARD E. SCHLEGEL
KYLE S. SCHLEWINSKY
JOHN W. SCHMIDTKE
THOMAS E. SCHMITT
KEITH M. SCHNEIDER
SAMUEL P. SCHNEIDER
CHRISTOPHER A. SCHNIPKE
STEVEN A. SCHNOEBELEN
MARK T. SCHOENBECK
ANDREW T. SCHOFIELD
JILL ANN SCHOFIELD
JOHN S. SCHOONMAKER
TERRY A. SCHRADER
MICHAEL W. SCHREINER
DANIEL A. SCHREURS
JOHN C. SCHROEDER
MEGAN MARIE SCHRUM
CHARLES E. SCHUCK
DAVID W. SCHUR
LAWRENCE F. SCHUTZ
CHAD E. SCHWAB
JOSEPH T. SCHWAB
JACOB T. SCHWARTZ
ERIK W. SCHWARZ
DANIEL M. SCHWENDEMAN
HAYDEN M. SCOTT
JACOB M. SCOTT
JESSE M. SCOTT
LISA R. SCOTT
MICHELLE R. SCOTT
MICHAEL J. SCULLION
MICHAEL D. SEAL
KEVIN A. SEAY
RYAN EARL SEBASTIAN
MATTHEW JAMES SECKO
JOSHUA S. SEDER
RYAN N. SEEKINS
RONEN M. SEGAL
MICHAEL A. SELTZER
LESLIE L. SEMRAU
ANDRE T. SENAY
CHARLES D. SENDRAL
CHAD A. SESSLER
SEAN P. SETTER
MEGGAN M. SETTLE
DARLENE M. SHAFFER
ANAND D. SHAH
THEODORE JOHN SHANKS
KATHRYN T. SHARP
SARAH J. SHARPE
BENJAMIN A. SHAUB
ANDREW W. SHAW
AARON B. SHEETS
HAMILTON G. SHELFER
ADAM W. SHELTON
KELLY W. SHELTON
JASON A. SHEMCHUK
SABRINA N. SHERIDAN
MATTHEW D. SHERK
MITCHELL S. SHERMAN
TERRI L. SHERRY
DAWUD K. SHILLINGFORD
NICHOLAS A. SHIMKUS
SAMUAL P. SHIMP
KEVIN W. SHIPE
BRANDY ANN SHIRLEY
DANIEL M. SHOAF
DENNY R. SHOFNER
PANUMAT SHONTZ
CHARLENE M. SHORTTE
KHOMANI D. SHORTTE
MATTHEW N. SHOVELSKI
JOSHUA T. SHULTZ
DAVID R. SIEMION
MATTHEW G. SIKKINK
JOEL B. SILK
YONG C. SIM
RICHARD J. SIMKO
DOUGLAS M. SIMMERS
JAMES S. SIMMONS
JEREMY B. SIMMONS
MICHAEL ANDREW SIMONICH
SHONNA J. SIMONS CLARK
JOSEMARIO C. SINCHONGCO
JONATHAN ALEXANDER SIRARD
SCOTT D. SITTERSON
LISA M. SIWIK
CHRISTOPHER D. SJOLIE
JOSEPH J. SKERLY III
BOBBIE JO SKIDMORE
STEVEN B. SKIPPER
DREW R. SKOVRAN
FRANK T. SKRYPAK
PATRICIA SKUTNIK
MATTHEW A. SLAGER
ANDREW SLAUGHTER
JON P. SLAUGHTER
RYAN A. SLAUGHTER
JAMES N. SLEAR
WILLIAM E. SLOTTER
DENNIS R. SLOWINSKI
MICHAEL W. SMALL
BRIAN K. SMART
WILLIAM D. SMART
ADAM J. SMITH
ADAM JOSEPH SMITH
ALLEN SMITH
ALLEN EDWARDS SMITH
BENJAMIN M. SMITH
CALEB T. SMITH
CHESLEY J. SMITH
CHRISTOPHER C. SMITH
DENNIS M. SMITH
GENE T. SMITH
GREGORY GERALD SMITH
JAMES DANIEL SMITH
JAMES T. SMITH
JEFFREY N. SMITH
JEREMY J. SMITH
JEREMY R. SMITH
JOSHUA K. SMITH
LAWRENCE A. SMITH II
MICHAEL L. SMITH
PATRICK S. SMITH
PAULA P. SMITH
RICHARD R. SMITH II
ROBERT SHELBY SMITH
RYAN G. SMITH
RYAN T. SMITH
SEAN M. SMITH
STEPHEN N. SMITH
THOMAS E. SMITH
EDWARD W. SMITHER
BENJAMIN L. SNELL
SCOTT P. SNIDER
JENNIFER JEAN SNOW
DANIELLE L. SNYDER
JON M. SNYDER
SCOTT A. SNYDER
THOMAS WILFREID SNYDER
ERIC M. SOBECKI
NICHOLAS MANUEL SOLIS
OWEN SOMERS
SARA N. SOMERS
ROBERT A. SONNENBERG
DANIEL K. SORENSON
JUSTIN EDWARD SORICE
ELIZABETH D. SORRELLS
LEWIS G. SORVILLO
JOHN WILLARD SOUTHARD
KEVIN C. SOVA
JOSEPH C. SPAGNOLIA
SETH W. SPANIER
STEPHEN E. SPARKMAN
JEREMY S. SPARKS
LUCAS D. SPATHES
MICHAEL B. SPECK
ALEC THOMAS SPENCER
JEFFREY A. SPENCER
RONALD R. SPENCER, JR.
BRANDY L. SPIEGLE
ANGELIKA M. SPINK
DAVID M. P. SPITLER
JENNIFER S. SPOORES
TODD J. SPRINGER
ROBERT S. ST CYR
JEREMY BRENT ST JOHN
BENJAMIN C. STAATS
GREGORY R. STACK
BENJAMIN G. STALLARD
LEE W. STANFORD
TODD EDWARD STANIEWICZ
ERIC M. STANO
JOSHUA P. STANTON
SHAWN M. STAPPEN
BRYAN L. STARCHER
MATTHEW B. STARCK
NIKOLAOS P. STATHOPOULOS
ADAM R. STAUBACH
SUSANNE L. STCYR
RYAN L. STEBBINS
KALLEEN H. STEELE
GREGORY M. STEENBERGE
ROBIN E. STEENMAN
JOSEPH L. STEINER
EDWARD R. STEINFORT
ADRAIN E. STEMPLE II
PAUL E. STENSENG
MICHELLE L. STERLING
SHAWN P. STERMER
AMANDA L. STEVENS
ZACHARY A. STEVENS
DAVID B. STEVENSON
MARCUS U. STEVENSON
ANDREW B. STEWART
JAYSON STEWART
TONY J. STIBRAL
BRIAN A. STILES
JOSEPH F. STILES
MONA T. STILSON
ROBERT D. STIMPSON
EVETTE M. STINSONLAWSON
RYAN P. STOLMEIER
MICHAEL T. STONE
SPENCER GROSSER STONE
RANDON L. STORMS
SAMMY E. STOVER
ANTHONY M. STRAW
MICHAEL K. STREET
CRISTINA C. STRICK
WILLIAM L. STRICKLAND
ERIC RYAN STRIDE
AARON JOSEPH STRODE
NATHAN C. STUCKEY
MATTHEW P. STUECK
ROBERT L. STULTS
STEPHANIE E. STULTS
ROBERT W. STURGILL, JR.
MICHAEL WILLIAM SUDEN
MATTHEW SUHRE
MICHAEL K. SUKACH
HEATHER J. SULLIVAN
RYAN C. SULLIVAN
THOMAS RICHARD SULLIVAN
STEPHEN D. SUMMERS
LANCE L. SUMMY
KRISHNA SURAJBALLY
MARK A. SUTHARD
KONSTANTIN SVERKOUNOV
GORDON T. SWAIN
JOHN R. SWANSON
REESE J. SWANSON
STEVEN D. SWAZAY
BRETT CHRISTOPHER SWIGER
KYLE A. SWOPE
ADAM N. SYLVAN
DEREK J. SYSWERDA
GIORGIO AUGUSTIN SZABO
JOHN T. SZCZEPANSKI
JEANNE R. SZCZES
CHRISTOPHER SZYMANSKI
KRISTOPHER J. SZYMCZAK
DARREN E. TABOR
KYLE A. TAKAMURA
BRIAN C. TALIAFERRO
ANGELA J. TARAVELLA
BENJAMIN F. TARKOWSKI
JUSTIN M. TARLTON
ADAM E. TAYLOR
BRENDA TAYLOR
CARLTON M. TAYLOR
DARIUS TAYLOR
DAVID L. TAYLOR
EDWARD R. TAYLOR
JACK WADE TAYLOR
LARRY L. TAYLOR
MATTHEW S. TAYLOR
MICHELLE L. TAYLOR
NATHAN J. TAYLOR
TIFFANY S. TAYLOR
JUSTIN RAY TEAGUE
TIMOTHY A. TENDALL
ANDREW H. TENENBAUM
CHRISTOPHER J. TERRY
JEFFREY K. TEXCELL
MILES PEYTON THAEMERT
RYAN JAMES THEISEN
FRANK A. THEISING
GREGORY C. THERIOT
MARY A. THIGPEN
DUSTIN T. THOMAS
JAMES E. THOMAS
JEROME SAMUAL T. THOMAS
KELIE A. THOMAS
SPENCER A. THOMAS
STEVEN C. THOMAS
BRENDA L. THOMPSON
CHRISTINA M. THOMPSON
DAVID A. THOMPSON
DAVID W. THOMPSON
LINWOOD A. THOMPSON
MICHAEL J. THOMPSON
ROBERT E. THOMPSON
ROY W. THOMPSON
PAUL B. THORNTON
TIMOTHY J. THORSON
MATTHEW B. THRIFT
CHRISTOPHER A. THUOTTE
RENEE Z. THUOTTE
ANDREW CHARLES TIDGEWELL
RAYMOND G. TIERNEY
GERALD J. TILLER
AARON P. TILLMAN
MICHAEL E. TILLYER
DAVID W. TIPTON
JEREMY S. TIPTON
MARK ANTHONY TIPTON
NELSON E. TIRADO
SHAMEKIA N. TOLIVER
WENDELL R. TONEY
LEONARDO A. TONGKO
DOMINQUE H. TORRES
EDWARD L. TORRES
ELIUD E. TORRES
PETER R. TOSCANI
STEPHEN A. TOTH
NATHANIEL W. TOTTEN
MICHAEL M. TOTTON
JONATHAN M. TOWNSEND
KANDI J. TRACE
KHOI DINH TRAN
JENNIFER J. TRAPP
DANIEL A. TRAVERS
JOHN M. TRAVIESO
ADAM R. TRAVIS
BOBBY A. TRAVIS
CATHERINE J. TREDWAY
SHANE A. TREGO
DAVID C. TREXLER
CHARLES M. TRICKEY
STEVEN E. TRNKA
TIMOTHY W. TROUP
DAVID D. TROXELL
CHRISTOPHER M. TROYER
STEVEN A. TRUEBLOOD
MAUREEN A. TRUJILLO
MICHAEL R. TRUJILLO
BRENT GERALD TSCHIKOF
REBECCA A. TUBMAN
JASON L. TUCKER
BRYAN BERFENTI TUINMAN
FWAMAY SULLIVAN TULLIUS
GRANT M. TULLIUS
JOSEPH C. TULLOSS
MICHAEL R. TURNER
ROBYN D. TURNER
ROBERT L. TURPIN, JR.
JAMES M. TUTHILL
JOSEPH BRIAN TUZZOLINO
MARK ALLEN TYLER
FRANCIS C. TYSON IV
MARK C. UBERUAGA
CHRISTOPHER J. UECKER

ANDREW GALO ULAT
GEOFFREY RYAN ULRICH
RUSSELL A. UNDERWOOD
DAVID B. UNDEUTSCH
CASEY L. UTTERBACK
JAMIEL VADELL
ANDREW J. VAIL
MARKYVES J. VALENTIN
JOSEPH S. VALENTINO
GREGORY K. VAN DYK
ERIC M. VAN VELDHUIZEN
LEAH B. VANAGAS
PETER A. VANAGAS
DAVID J. VANASSCHE
MICHAEL JOSEPH VANDERHYDE
DAVID E. VANDEVOORDE
MATTHEW J. VANGILDER
GREGG LEA VANSPLUNDER
JASON C. VAP
COURTNEY P. VARGAS
JEFFREY M. VASS
KRISALYN J. VAUGHN
DANIEL MOISES VEGA
EMANUELL VEGA
CHATEAU K. VENABLE
PETER J. VENTRES, JR.
HUGO J. VIA
GREGORY A. VICE
MATTHEW BENJAMIN VICKERS
BRIAN M. VIZZONE
JEREMY A. VOIGT
MICHAEL A. VOLKERDING
JUSTIN D. VONHOFE
ADRIANNA M. VORDERBRUGGEN
DREW T. J. VOSS
NATHAN P. VOSTERS
JAMIE L. WAALER
CHRISTOPHER MICHAEL WADDELL
KRISTOPHER L. WAECHTER
SHANNON J. WAGNER
ROBI M. WAINWRIGHT
ADAM N. WAITE
JASON T. WALDMAN
RYAN G. WALINSKI
VICTOR G. WALK
ANDREW P. WALKER
EDWARD Y. WALKER
JASON DOUGLAS WALKER
KRYSTAL M. WALKER
VIRGINIA S. WALKER
JAMES A. WALL
ANDREW P. WALLACE
JOHN D. WALLACE
JONATHON C. WALLER
KEVIN WALSH
BROOKS M. WALTERS
DANIEL P. WALTERS
DREW M. WALTERS
MICHAEL C. WALTERS
ANDRE M. WALTON
LILLIAN J. WALTON
DIRK J. WARD
TRACY L. WARD
LAUREN A. WARE
LAWRENCE C. WARE
MICHAEL L. WARE
TIFFANY N. WARE
RYAN B. WARTMAN
DAVID A. WASHINGTON
ZACHARY R. WATERMAN
JOSHUA CHRISTMAN WATKINS
WILLIAM J. WATKINS
KEVIN R. WATRY
JONATHAN N. WATSON
JOSEPH A. WATSON
TODD MICHAEL WATSON
KEVIN L. WATTS
CHRISTINA A. WAYNE
DUSTEN R. WEATHERS
BRIAN RICHARD WEBB
JASON D. WEBB
MICHAEL L. WEBBER
NICHOLAS R. WEBER
BRIAN E. WEBSTER
CHRISTOPHER J. WEDEWER
AARON W. WEEDMAN
SHILO M. WEIR
JOHN A. WEISS, JR.
MICHAEL T. WEITZ
CHRISTOPHER M. WELCH
KEVIN P. WELCH
WILLIAM D. WELDON
JAY P. WELKER
KURT H. WELLHAUSEN
GARY E. WELLS
KEVIN M. WELLS
PAUL T. WELTER
PAUL R. WEME
GREGORY SCOTT WEMHOFF
HEATHER A. WEMPE
DANIELLE D. WEMYSS
MATTHEW J. WEMYSS
BRANDON D. WENGERT
JODEN A. WERLIN
MARCELINA B. WERNER
MATTHEW W. WERNER
JIMMY T. WEST
KELLY WEST
LATASHA NICOLE WEST
ROBERT E. WEST
JAMES T. WESTFALL
JACOB M. WESTWOOD
PHILLIP A. WHEELER
CHRISTINE L. WHELAN
MARK D. WHISLER
COLIE BARTOW WHITAKER IV
GEOFFREY N. WHITAKER
JONATHAN L. WHITAKER
MARK RYAN WHITAKER
BENJAMIN BRUCE WHITE
BRANDON C. WHITE
JOSHUA T. WHITE
KEITH S. WHITE
KEVIN D. WHITE
KEVIN E. WHITE
MARCUS J. WHITE
THOMAS D. WHITE
TIM RAY WHITELOCK
MELVIN C. WHITLOW, JR.
JONATHAN L. WHITTAKER
ADAM R. WICKES
BRYAN K. WICKS
DANIEL PHILLIP WIESNER
JASON M. WILBUR
MATTHEW S. WILCOXEN
JOSHUA D. WILD
NICOLE N. WILEY
BRIAN A. WILKEN
BROOKS A. WILKERSON
FONTEZ L. WILKERSON
BARRY D. WILLARD
ADAM E. WILLIAMS
DAVID S. WILLIAMS
FLORA E. WILLIAMS
FORREST C. WILLIAMS
JUDITH EVE SHANI WILLIAMS
JUSTIN J. WILLIAMS
KEVIN CHARLES WILLIAMS, JR.
MICHELLE LYNN WILLIAMS
ROBERT A. WILLIAMS
WILLIAM C. WILLIAMS II
GRAHAM C. WILLIFORD
DANIEL CLYDE WILLIS
WARD G. WILLIS
GARLAND W. WILMOTH
ALISON R. WILSON
ANDREW G. WILSON
CARL B. WILSON
CHIRIGA O. WILSON
DAVID C. WILSON
DAVID J. WILSON
FREDRICK A. WILSON
GARRETT A. WILSON
JONATHAN W. WILSON
KEVIN D. WILSON
KURTIS IAN WILSON
NEAL M. WILSON
RICHARD N. WINFREY, JR.
CHRISTOPHER L. WINKLEPLECK
BRYAN W. WINNINGHAM
ANTHONY R. WISE
NICHOLAS G. WISNEWSKI
WARREN ERIC WITHROW
DAVID J. WITT
ROBIN E. WITT
JAMES DANIEL WOJNAREK
BENJAMIN G. WOLAK
DAVID A. WOLF
KRISTOPHER S. WOLFRAM
JAMES M. WOLONGEVICZ
PATRICK WOLVERTON
RYAN T. WONG
JOHN J. P. WONNUM
CHRISTOPHER C. WOOD
JAMES P. WOODALL, JR.
SCOTT C. WOODBREY
THOMAS E. WOODRING
JASON LEWIS WOODRUFF
ELIZABETH ADRIENNE WOODS
PAUL A. WOODS
ABRAM M. WOODY
GREGORY A. WOOLEY
JOHN E. WORLEY
SCOTT P. WUENSTEL
WILLIAM L. WUNSCHEL
LAWRENCE WYATT, JR.
STEVEN J. WYMORE
AARON M. YAGER
JOSEPH E. YAKUBIK
VUE YANG
JAMES L. YEATES
ALAN YEE
IAN A. YELLIN
CHRISTOPHER W. YENGO
DANIEL PHILIP YERRINGTON
ILKYU P. YIM
IAN M. YOUNG
JAMES R. YOUNG
JARED A. YOUNG
KEITH A. YOUNG
MICHAEL D. YOUNG
SARAH M. YOUNG
TODD E. YOUNG
DANIELLE R. YOUNGBERG
BENJAMIN D. YOUNGQUIST
MINDY A. YU
GRETCHEN M. YULE
PETER D. YULE
PAULL YUZAPAVIK
MATTHEW D. ZAKRI
KARENA K. ZALOUDEK
JOSE L. ZAMBRANO
ARIC L. ZEESE
RYAN A. ZEITLER
BAI L. ZHU
GREG M. ZICKEFOOSE
MARGARET I. ZIELINKO
CHRISTOPHER R. ZIELINSKI
JOSHUA S. ZIEMAK
AARON J. ZOLNA
MICHAEL ZORIJ
JEFFREY T. ZURICK

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

CHARLES M. ABEYAWARDENA
CHRISTINA R. ACOJEDO
DUNCAN B. ADAMS
JONATHAN M. ADAMS
ROBERT N. ADAMS
RONALD W. ADAMS, JR.
SHANE AGUERO
AYE K. AGYEI
SABRE M. AJYEMAN
MELISSA J. ALBAUGH
JARED J. ALBRIGHT
DAVID A. ALFARO
NASSER ALI
MICHAEL A. ALLARD
DEAN P. ALLEN
JASON E. ALLEN
NATHANIEL A. ALLEN
SORSBY M. ALSTON
JEFFREY T. ANDERSON
TODD A. ANDERSON
STEPHEN C. ANG
ROMAE M. ARAUD
JIMMY ARCHANGE
KENNETH O. ARCHBOLD
CRYSTAL D. ARMSTRONG
MICHAEL L. ARNER
BRYCE N. ASAGI
MICHAEL E. ASTIN
DIANICA L. ATKINS
MARK N. AWAD
BRIAN C. BABCOCKLUMISH
TOMIKO BALLARD
ERIC A. BALOUGH
ADAM M. BANCROFT
JAY T. BAO
NOLAN J. BARCO
MICHAEL W. BARKER
BRIAN R. BARNES
ROBERT A. BARRY
ROBERT C. BARTON
CLIFTON D. BASS
JOHN A. BAUMANN
BRIAN A. BEAM
NICHOLAS J. BECK
JONATHAN H. BECKMANN
ROBERT T. BELIE
MITCHAEL R. BELOTE
STEVEN R. BELTZ
TIMOTHY M. BENNETT
PHILIP R. BERRY II
MAYA C. BEST
DAVID R. BIRIE
JAMES C. BIRK
JONATHAN E. BISSELL
RAYMOND W. BLAINE
CHRISTOPHER J. BLANK
CHRISTOPHER M. BLUHM
BENJAMIN C. BOEKESTEIN
ELIZABETH A. BOITANO
TANGALA M. BOOTH
JOEL M. BORKERT
JAMES A. BORST
CRAIG M. BOUCHER
CHRISTOPHER O. BOWERS
CLAYTON D. BOWERS
JASON R. BOWERS
SONYA A. BOWMAN
CATHERINE G. BOYLSTON
RORY P. BRADFORD
CHRISTOPHER G. BRADKE
DAVID H. BRADLEY
ANDRE J. BRADY
BRADFORD M. BRANNON
ERIN K. BRASWELL
ROBERT D. BRAUGHTON
LENNY T. BRAZZLE
JAMES L. BREDEMAN
DANNY J. BREWER
JEFFREY J. BRIZEK
CALEB S. BROWN
RICHARD F. BROWN
STEWART N. BROWN
JAMES D. BROWNE, JR.
CARRIE A. BRUNNER
LAURA C. BUDDEMEYER
DWIGHT O. BULLARD
KENNETH R. BULTHUIS
TRENT B. BUNNELL, SR.
BRIAN E. BUSZINSKI
KARL BUTLER, JR.
MICHELLE A. BYRON
PHILIP M. CALA
KEITH J. CALDWELL
ROBERT H. CALLAHAN
LESLIE CAMACHO
MATTHEW J. CAMEL
STEPHEN J. CAMERON
MATTHEW D. CAMPBELL
NIKOLAY N. CAMPBELL
THOMAS G. CAMPBELL III
JOSE M. CAMPOS
GABRIEL CAMPUZANO
RAYMOND C. CANZONIER
ANDREW M. CARRIGAN
ROGER A. CARVAJAL
JERROLD D. CASTRO
MATTHEW L. CAVANAUGH
ROBERT M. CHAMBERLAIN
ANDRUS W. CHANEY

KEION A. CHARLES
JAMES T. CHASE
SEAN M. CHASE
JOSEPH L. CHAVES
SUNNY S. CHEN
INURELL CHESTER
MONIQUE M. CHETCUTI
MICHAEL J. CHILDS
SAPRIYA CHILDS
JASON J. CHOI
PETER S. CHOI
KIP M. CHOJNACKI
ANTHONY W. CLARK
BARRY L. CLARK
PATRICK D. CLARY
ADAM T. CLEMENTS
ZACHARY G. COLE
BRIAN H. COLLINS
ERIC A. COLLINS
JAMES B. COLLINS
JENNIFER G. COLLINS
ALBERT CONLEY III
JEREMY C. CONNER
CHRISTOPHER A. CONNOR
ANTONIO L. CONYERS
THOMAS J. COOK
JACOB T. COOL
JAMES D. COONFIELD III
MATTHEW C. COOPER
NOAH B. COOPER
ZACHARIAH A. CORKE
JAMES E. COTNER, JR.
SETH T. COTTRELL
CORY J. COUSINS
DIRK P. CRAWFORD
MATTHEW A. CRAWFORD
STEVEN R. CREWS
CATHERINE B. CROMBE
JAMES A. CRUMP
BRIAN C. CRUMPTON
RIVERA E. CRUZ
MEGHAN L. CUMPSTON
CHARLES E. CUTLIP
KOREY K. CYPRIAN
TAMMY J. CZAPLA
JOSHUA P. DAILEY
ERIKA D. DARRINGTON
EVERETTA J. DAVIS
GREGORY S. DAVIS
LATRICE Y. DAVIS
RODNEY L. DAVIS
ROGER S. DAVIS
RYAN C. DAVIS
SAMUEL R. DAVIS
CHRISTOPHER P. DEAN
TRISTAN P. DEBORD
ANDREW W. DECKER
WENDY K. DEDMOND
DOMINICK L. DEFEDE
JEFFREY B. DEMAREST
PARSANA DEOKI
RYAN M. DERRICK
DAVID W. DEVIN
RUDY DIAZSIERRA
CHRISTOPHER M. DICKINSON
DAVID DILLY
ADAM N. DIPETRILLO
AGUSTIN E. DOMINGUEZ
VELEKA L. DOUGLAS
JERON DUHART
JASON J. DUMSER
NICKOLAS A. DUNCAN
WILLIAM R. DUNCAN
ADAM J. DYKSTRA
TIMOTHY J. EASTMAN
GREGORY C. EDGREEN
CHRISTOPHER R. EHLERS
MATTHEW H. ELLETT
PATRICK R. ELLIOTT
BRIAN F. ELLIS
SHARON D. ELMORE
CARMEN V. ELSTON
JOEL G. ELSTON
PETRUS J. ENGELBRECHT
JON V. ERICKSON
JAIME A. ESPEJO
MORRIS K. ESTEP
MARCUS T. EVANS
JORDON T. EWERS
ISAAC J. FABER
JOEL M. FELTZ
GARRET D. FETT
MATTHEW T. FETTERMAN
EDWARD A. FIGUEROA
ERIC W. FINCH
RODERICK D. FISHER
BRENDAN T. FITZPATRICK
MICHAEL FLEISCHMANN
ANGEL FLORES
MICHAEL B. FOGARTY
ROBERT A. FORE
JASON A. FOREMAN
ANDREW J. FORNEY
JOSEPH R. FOUST
DAVID J. FRANKEL
WALTER J. FRAZIER, JR.
JABULANI H. FULLER
RAY E. GABRIEL
JOSEPH GAINEY
SIIMOA M. GALOIA
COREY D. GAMBLE
MICHAEL D. GAMBONE
MICHAEL W. GANSLER
JOSE M. GARCIA
JOSEPH M. GARCIA
TIMOTHY R. GARLAND
JASON L. GARNEAU
NATHANIEL A. GARZA
JOSH A. GAVRILOV
JONATHAN A. GENDRON
RONALD G. GEORGE
LAMARL S. GERALD
EDWARD O. GHELARDINI II
ARGENTINA A. GIBSON
CHAD M. GILBERT
CHRISTOPHER D. GILBERT
ROB C. GLEGHORN
PETE J. GODBEY
SHAWN GOLDWIRE
ERIC J. GOLTRY
LYHOMAR GONZALEZ
CHRISTOPHER D. GOODRICH
ELLIS Z. GORDON
CLARENCE K. GRAHAM
EDWARD B. GRAHAM
DAVID W. GRAMLING
DELMAR F. GRAVES
CHERYL L. GRAY
RUSSELL A. GRAY
MATTHEW A. GREB
MARK A. GREEN
VERNON D. GREER
NICHOLAS E. GREGOIRE
ROBERT T. GREINER
HOLLY Y. GREY
JAMEELAH P. GROVER
ADAM C. GROW
JOSE R. GUANDIQUE
DAVID E. GUILES
ERIC W. HAAGENSTAD
SAMUEL K. HAINES
JAMES W. HALE
MITCHELL C. HALE IV
CARTER J. HALFMAN
LEAH B. HALLER
VALIANT A. HALLER
WILLIAM M. HAMILTON
BRIAN R. HANSEN
TODD J. HARKRADER
KATREINA D. HARMON
DWAYNE D. HARMS
JOSEPH F. HARRINGTON
WILLIE B. HARRIS, JR.
GLENROY HASKINS
AMANDA J. HATCH
ADAM C. HAUPT
DORIS J. HAYNES
MATTHEW B. HAYNES
DARTANION J. HAYWARD
JACQUELINE L. HEARNE
ANDREW H. HENDERSON
CHRISTOPHER R. HENRY
MARK E. HERBERT
THOMAS C. HERNANDEZ
DONNA M. HESS
JOHN L. HEWITT III
LACHANDRA P. HILLIARD
JASON M. HITE
WILLIAM D. HOBBS
JOHN M. HOGAN
CHERRY A. HOLLENSTEINER
BRIAN HOLLOWAY
JUSTIN M. HORGAN
MATTHEW J. HORTON
JARED T. HOWARD
ANDREW P. HUBBARD
BARRY A. HUMPHREY
SHARONDA E. HUMPHREY
DAVID J. HUMPHREYS
DAMON M. HUNT
CALVIN K. HUTTO
MALIDA A. IHEKWOABA
BRIAN T. IKE
VICTOR A. JAFFETT
SEAN M. JAHR
GREGORY A. JENEMANN
CODY W. JENSEN
SAKINAH A. JEWETT
CHRISTOPHER C. JOHNES
JEFFREY R. JOHNSON
PETER JOHNSON
SHAWNDA R. JOHNSON
JEROME F. JOHNSTON
LEON S. JOHNSTON
KIRYENSKI A. JONES
LATONYA JONES
WILLIE D. JUMPER III
KENTON E. JUSTICE
GEORGE S. KAFER
ROSS L. KAPLAN
ALEXANDER S. KASARDA
MATTHEW P. KASKY
PETER J. KATZFEY
GARRETT J. KAYE
GARY L. KELLY
EVELYN M. KEMPE
JOHN A. KENDALL
LOGAN J. KERSCHNER
CHRISTOPHER E. KETZ
MICHAEL S. KILLALY
JASON J. KIM
SON H. KIM
SUNG H. KIM
JOHN W. KIMBALL
MATHSTO KINGSADA
ROSS S. KINKEAD
NASHUMA R. KNIGHT
KEVIN M. KNOWLEN
SUN G. KOH
MATTHEW A. KOHLER
RYAN J. KOOLOVITZ
JEFFRY T. KOONTZ
KIP E. KOWALSKI
JOHN F. KRIGBAUM
EVA M. KRIVICKAS
JEFFREY A. KUECHENMEISTER
RHANA S. KURDI
DANIEL S. LACARIA
THOMAS M. LACY
SEAN W. LAMBERT
ANDRUS J. LANDRY
KENT B. LANE
NICHOLAS A. LANE
MARIA M. LANFOR
ANDREW D. LANTZ
ERIK R. LARSEN
JASON C. LATELLA
QUOC B. LE
FAITH E. LEE
LAWRENCE R. LEE
MICHAEL G. LEE
MICHAEL S. LEE
KRISTIAN K. LEIBFARTH
JOHNATHAN L. LEMING
JOSE M. LEON, JR.
SANDY A. LEPPERT
MATTHEW W. LERCH
STEVEN E. LEWENTOWICZ
ERIK W. LEWIS
ROBERT A. LIKINS III
HOWARD C. LIM
ROY A. LINKOUS, JR.
TILISHA C. LOCKLEY
SVEN A. LONDON
RYAN W. LOOMIS
JOHN W. LORD
JEANJACQUES LOUIS
ANDREW E. LOVEJOY
DEREK K. LOVELAND
JASON O. LUCKEY
AUSTIN C. LY
MARCO J. LYONS
ANDREW T. MAAS
SCOTT V. MACDONALD
BLAKE N. MACK
SEAN M. MADDEN
BARRY L. MADETZKE
GEOFFREY D. MANGUS
WENDY W. MANNING
BRITT T. MANOR
DONNA M. MANRAGH
TRAVIS J. MAPLES
ESTHER S. MARCELLA
MARK MARDER
JAMES A. MARKHAM
RODNEY D. MARTIN
FEDERICO MARTINEZ II
WILLIAM P. MASON
EDWARD M. MASOTTI, JR.
GERALD A. MATHIS
TIMOTHY P. MAUNTLER
NATHAN L. MAY
MITCHELL A. MCCANN
SCOTT W. MCCARTHY
JOHN B. MCCARTNEY
MICHAEL G. MCCLURE
JEREMY A. MCHUGH
IRVIN M. MCLAUGHLIN
JAMES H. MCMILLIAN, JR.
MARK A. MCNAMARA
SEAN C. MCNICHOL
KEVIN A. MCQUEARY
ROBERT E. MEDINA
JENNIFER E. MEDLEY
CELINA N. MEDRANO
BRIAN E. MEEKINS
WILLIAM MERCUCCI
MATTHEW T. MESSERSCHMITT
DEWEY M. MILLER
ERIC A. MILLER
THOMAS D. MINER
KELLY F. MITCHELL
STACY D. MITCHELL
TIMOTHY B. MITCHELL
LUCAS A. MORALES
JACOB M. MORANO
JOSE A. MORENO
JENNIFER M. MORRIS
JOHN F. MORRIS
ALFRED A. MULLIKEN III
DOUGLAS J. MULVANEY
KURT W. MUNIZ
JUAN P. MURILLO
BRENDAN P. MURPHY
BETTY P. MYRTHIL
WILLIAM W. NALL
CASEY L. NAPUTI
TRACEY C. NASH
CHRISTOPHER D. NEYMAN
WALLACE C. NICHOLSON
JENNIFER L. NIHILL
WILLIAM J. NISIEWICZ
MICHAEL D. NORTON
ANITA M. NUTTER
ANDREW F. OBRIEN
RICK A. OEHLHOF
JONES B. OFUASIA
JAMES M. OGLETREE
KATHERINE M. OGLETREE
CHRISTOPHER F. OLIVER
ERIK W. OLSEN
MARCUS D. ONEAL
JAMES N. ONG
FERGAL J. OREILLY
JOSEPH M. ORTIZ
DEIVID N. ORTIZRAMOS
JOHN V. OTTE
DETRICK L. OUSBY
DONALD R. OWENS, JR.
ROBERT B. PADGETT
RAUL E. PADILLA

JEFFREY T. PAINTER
SEONG S. PAK
DANE D. PALMER
STEVEN L. PARKER
ROBERT C. PARMENTER
ERIC L. PARTRIDGE
SCOTT A. PATTON
KATHRYN K. PEGUES
MARK B. PEMBERTON
AHLON K. PEOPLES
JUAN J. PEREZTORRES
DAVID J. PETERSON
DOUGLAS V. PETERSON
CRAIG W. PETRICK
TOBIAS S. PETROS
JOSIAH D. PICKETT
ADAM O. PIERCE
ANGELIQUE A. PIFER
DEREK K. PING
ASHLEIGH B. PIPES
CHRISTOPHER D. PISKAI
ERIC D. PITTMAN
DARIEN M. PITTS
CARLOS A. PLATA, JR.
RICHARD J. POIRIER
SCOTT C. POLASEK
BERNARD R. PORTER II
MAYDELINE G. PORTILLO
THOMAS S. POWELL
ROBERT D. PRESLEY
HAROLD E. PRICE
JOSEPH E. PRICE
TED D. PRICE
CHAD A. PROPST
ANDREW S. PRUETT
JOSEPH J. PRUITT
MANOJ T. PUTHENPARAMPIL
BENJAMIN L. QUIMBY
CASEY L. RAMIREZ
ANDREW S. RAMOS
ARNALDO I. RAMOSGUZMAN
CHRISTOPHER L. RAPP
DAVID RAY
CHRISTOPHER S. READ
JASON G. REED
REGINAL C. REMLEY
GUADALUPE RESENDEZ, JR.
ROBERT G. RHODES
HOWARD G. RICE
KENNETH C. RICH
NATHAN A. RIEDEL
YAZMIN RIOS
RODNEY O. ROBERSON
JEREMY S. ROCKWELL
IVAN T. ROCOURT
JOHN P. RODER
GERARDO RODRIGUEZ
HARLEY RODRIGUEZ
JOSHUA L. RODRIGUEZ
MICHAEL G. ROE
WALLACE A. ROHRER
JOHN M. ROSE
DOUGLAS J. ROSS
EVELYN ROSS
MATTHEW H. RUFF
SHAWN P. RUSSELL
JASON R. SABOVICH
ROBERTREL A. SACHI
JOHN A. SACKMAN
ANTONIO SALAZAR, JR.
EDDIE N. SANCHEZ
CRAIG A. SANDERS
JOSEPH O. SANDERS
WAYNE A. SANDERS
SELMER C. SANTOS
JEREMY L. SAUER
CHRISTOPHER K. SCATES
FRANCIS X. SCHAFER
ROSS T. SCHEINBAUM
ANDREW G. SCHLESSINGER
MATTHEW J. SCHLOSSER
CHARLES D. SCHWAB
CORY N. SCOTT
GEORGE A. SEILER
SHIRWEN C. SEPARA
PAULO A. SHAKARIAN
BRADLEY A. SHEARER
RYAN C. SHEERAN
DAVID S. SHEPHERD
KRISTEN M. SHIFRIN
E. RAY SHISLER
MABRY L. SHOKES
MATTHEW R. SHOWN
DAVID F. SIDMAN
CHRISTOPHER P. SIGNORE
DHRAMEN P. SINGH
EMIRO M. SINNING
OLIVER SIQUEIRA
ELLIS H. SMITH II
HARVEY C. SMITH III
JOHN H. SMITH
JOSHUA J. SMITH
KESHIA SMITH
SCOTT J. SMITH
TROY D. SMITH
RICKY SNELL
ROBERT G. SNYDER
ROBERT L. SNYDER
ANDREA R. SO
SHEILA D. SOILEAU
BRIAN N. SOUTER
FRANCIS X. SPERL III
RAFAL H. STACHOWSKI
LAURA E. STANLEY
SHANNA M. STANN
JAMES K. STARLING
JONATHAN J. STEIGLER
JEFFREY A. STEINLAGE
JAY D. STERRETT III
JAN A. STEWART
JULIE M. STOCK
ANDREW P. STRINGER
DORAN R. STROUSE
JOHN B. STUBBS
PETER P. STUDEBAKER
GABRIEL M. SUAREZ
PETER K. SULEWSKI
TERESA A. SWANSON
WILLIAM D. SWENSON
DAMIAN R. TAAFEMCMENAMY
CURTIS M. TAYLOR
SEANNERY J. TENNIMON
JAMES C. TETERS II
TRAVIS R. THEBEAU
BILL S. THOMAS
JOSHUA F. THOMAS
MICHAEL J. THOMAS
SPENCER T. TIMMONS
BRIAN W. TINKLEPAUGH
FELIX G. TORRES
KEVIN J. TOTH
MELISSA TOVAR
BRADLEY R. TOWNSEND
NATHAN A. TRUCKENBROD
KIRILL A. TSEKANOVSKIY
DEREK L. TURESON
JOHN J. ULSAMER
MARK B. VANGELDER
TAMARA B. VANHOOSEPALL
MARK E. VANHORN
ALEX VERSHININ
AARON T. VEVASIS
TODD M. VICK
JONALD C. VITTO
ZACHARY R. VOGT
WILLIAM H. WAGGY II
DANIEL M. WAGNER
MARTIN E. WAKEFIELD
ISAAC M. WALDON
MATTHEW P. WALTER
RUSSELL W. WALTER
STEVEN D. WALTERS
LARRY D. WALTON
BRIAN A. WARD
RICHARD G. WARD, JR.
ALEXANDER E. WARING
ADRIENNE L. WATSON
JOHN M. WEATHERLY
AMANDA R. WEBB
SOLON D. WEBB
KEVIN J. WEBER
CHARLES T. WEEKLEY
MATTHEW T. WEHRI
ERICK A. WELBORN
CHRISTOPHER M. WELLS
CHRISTOPHER P. WELSH
CREYONTA N. WEST
MICKEY M. WEST
JONATHAN E. WESTBROOK
CHAD W. WEYHRAUCH
WILLIAM S. WHEELESS
ROMONA D. WHETSTONE
DONALD S. WHIFFEN II
MICHAEL T. WHITE
PAUL M. WHITE
CHRISTY L. WHITFIELD
DOMINICK J. WILKINSON
ANDREW WILLIAMS
DUANE M. WILLIAMS
EUGENE U. WILLIAMS
RAIMOND G. WILLIS
DERECK K. WILSON
JASON S. WIMBERLY
ANTHONY J. WINGFIELD
ADAM M. WINOGRAD
LANCE A. WINTERS
ROBB W. WITTE
STEVEN W. WOJDAKOWSKI
EDWARD R. WOOD
GRAHAM D. WOOD
KEITH A. WOODBURN
CHARLES G. WOODRUFF III
MICHAEL G. WOTRUBA
KENNETH E. WRIGHT
KLARA WRIGHT
TIMOTHY J. WYANT
JAMES T. YARBOROUGH
JOHN C. YUNGBLUTH III
RICHARD J. ZERBST
BRADLEY J. ZIMMER
CHARLES R. ZIPPERER, JR.
D002028
D010177
D010297
D010381
D010385
D010469
G001131
G001231

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

LISA M. ABEL
ELLIOTT ACEVEDO
GABRIEL ACOSTA
KENDALL P. ADAMS
ELIZABETH L. ALEXANDER
MARISSA A. ALEXANDER
CHARLES C. ALLEN
JAMES P. ALLEN
JASON A. ALLEN
JORGE ALMODOVAR
DAVID M. ALVAREZ
MATTHEW T. AMSDELL
DARYL L. ANDERSON, SR.
HEIDI E. ANDERSON
JARMARLE O. ARNOLD
FIDEL ARVELO
VON P. ASTUDILLO
BRIAN H. ASTWOOD
DAMON L. AUGUSTINE
GREGORIO AYALA
KATHERINE J. BAKER
ULRIKE BANKS
JEANICE A. BARCINAS
WILLIAM R. BENNETT
KEVIN R. BENTZ
FRANK J. BERLINGIS
ROBERT D. BEST
CONSUELA L. BEVERLY
TOBY A. BIRDSELL
SARAH BISCIAIOODEN
DAVONNE L. BIVINS
FORREST L. BLACK
LISA D. BLACK
JANET A. BLAIR
MICHAEL J. BLANTON
ALICIA R. BODIEHENRY
ADAM T. BOHLEN
JASON P. BOOK
WANDA L. BOOTH
BRYAN J. BOYEA
SIDNEY N. BRADDY
ADAM T. BRADFORD
KEYANTE M. BRADSHAW
MATTHEW S. BROCIOUS
FELICHIA S. BROOKS
JAMARCUS A. BROOKS
RONALD P. BROSIUS
BRIDGETTE N. BROWN
DREWRY L. BROWN
PACE E. BROWN
ROBERT M. BROWN
JASON R. BRUNO
ADRIAN L. BRYAN
RICHARD T. BRYANT
EVAN H. BUCKLER
JEFFREY W. BUCKNER
SEDRIC P. BURRELL
TIMOTHY L. BUTLER
PAUL E. CACCIA
MATTHEW C. CALHOUN
CARLOS A. CAMACHO
AMANDA S. CAMARANO
TOMAS F. CAMPBELL
LUIS E. CARABALLO
ANGEL M. CARDENAS
RODEN A. CARRIDO
CHRISTOPHER L. CARTER
RIAN M. CARTER
TYONNE D. CARTER
THOMAS A. CARVER
STEPHEN C. CHENG
EDDIE CHEW IV
YEONG M. CHOI
EVERT Y. CHUNG
SHAWN M. CHUQUINN
EDWIN A. CHURCHILL II
ELVIN L. CINTRON
JAY C. COATS
RILEY P. COFFEY
MATTHEW P. COFFMAN
SHANDA L. COFIELD
HUGH H. COLEMAN III
DIANE M. COLLVER
RICARDO COLONACEVEDO
REGINA COOK
TERRIEL R. COOKE
JERRY T. COOPER
MARSHALL E. COOPER
BARBARA P. COOTE
MARTIN J. CORONADO
MARWIN Z. CORTES
CHARLES H. COSTELLO
JUTANE M. CRAIGG
MICHAEL A. CRAIGG
KIMBERLY M. CULVER
ISAAC V. CUTHBERTSON
SHAWN O. DANIEL
ALBERT W. DAVIS
COREY J. DAVIS
JOSEPH H. DAVIS
TOMMY C. DAVIS
LISA A. DEAN
DARLA D. DEAUVEARO
RUDY L. DELAROSA
AMALIO DELEON, JR.
SEAN E. DEMPSEY
JEMOTT DENNARD
SUSAN M. DEPIESSTYER
JOAQUIN H. DEQUINTANAROO
JUSTIN M. DEVANTIER
MAYRA I. DIAZ
ROBERT DIAZ
DEREK J. DIBELLO
JOHN R. DICKENS
STANLEY L. DIEHL II
MICHAEL P. DIETZ
CHARLES M. DIGGS
DAVID J. DIXON
LEE W. DOGGETT
SEAN P. DONOVAN
HEATHER D. DORAN
ROBERT B. DOSPOY
DAMIAN E. DOUGLAS
CORBY R. DUNCAN
LATOYA D. DUNHAM
DALLAS M. DUNN III

BRANDY M. EASTEP
DAVID G. EASTER
ALEX D. ECHANIQUE
THERESA A. ECHEVARRIA
MARLON U. ELBELAU
JENNIFER E. FERGUSON
EARL R. FIELDS
JOEEN FIGUEROARODRIGUEZ
CRYSTALYN D. FILLMORE
DAVID D. FITTRO
GUSTAVO FLORES
JON A. FLORES
WALTER E. FLOYD
SHELIA R. FOGARTY
MARK A. FOLKERTS
SARAH L. FORSTER
DAVID J. FORSYTH
JACKEY L. FORTENBERRY
KRISTIE A. FOSTER
ALAN R. FOWLER
SYMONE D. FRANKLIN
WILLIAM E. FRY
RYAN A. FRYE
SAMANTHA J. GADDIS
JOSEPH J. GALLEGOS
DANIEL M. GALLOWAY
ANDREW GARCIA IV
PABLO M. GARCIA
HANEDA L. GARNER
THOMAS G. GARNER III
WILLIE W. GARRIS
COURTNEY J. GARY
KATRINA M. GAWLIK
JAMES C. GEORGE
TRINA M. GIBBS
DEJUAN E. GILBERT
RYAN K. GODBEE
DANIEL S. GONZALES
FERMIN GONZALES, JR.
VICTOR J. GONZALEZORTIZ
JEROME C. GOODRICH, JR.
TARICA L. GORDONZACHERY
YOLANDA D. GORE
DENNIS O. GRAVES
ROBERT I. GRAY
RODERICK S. GRAY
SEAN M. GREEN
JONATHAN R. GREGORY
LEON K. GRISSETT, SR.
GREGORY W. GROSSMAN
JOHN G. GUBITOSI
MATTHEW D. HAISTINGS
CASSANDRA D. HALL
DAVID J. HANKINS
JEFFREY D. HANNAH
TODD A. HANZES
CHRISTOPHER G. HARRIS
JONATHAN I. HARRIS
TIFFANY P. HARRIS
CHRISTI A. HAUKE
ARON T. HAUQUITZ
ROBERT J. HEATHERLY
BERNARD T. HELLRUNG
AARON S. HELMS
JEFFREY E. HENDEL
RONALD J. HENLEY, JR.
STACIE L. HEPLER
ABEL HERNANDEZ
JULIE A. HEWETT
SHAHEED I. HICKMAN
VINCENT K. HIGHLEY
WARRICK L. HIGHTOWER
BRANDON J. HILL
VANESSA HILL
TIMOTHY G. HILTON
WESLEY J. HINKLEY
JOHN P. HOLCOMBE
MICHAEL D. HOPKINS
MICHAEL E. HORKAY
ERIC S. HORTON
KERRY M. HOUCK
GABRIEL H. HOWARD
ROBERT C. HOWARD
SHEILA L. HOWELL
DANIELLE E. HOYLE
PAUL C. HUBBARD
SONIA I. HUERTAS
JAMES M. HUGULEY
JEREMIAH J. HULL
ERIN J. HUMELSINE
LONNIE E. HUMPHREY, JR.
HWAJIN HURT
KEVIN W. HUTCHESON
JAMES T. IANITELLI
SHAUN P. IBE
BRENT R. IRISH
ONWE R. IVORY
INA S. JACKSON
JEREMY W. JACKSON
LARRY JACKSON, JR.
MARTY L. JACKSON
SCOTT T. JACKSON
RICKY M. JANSEN
JEFFREY L. JENNINGS
KIMBERLEY M. JENNINGS
RANDY B. JETER, SR.
JESSIE N. JEUNE
ALICIA J. JOHNSON
DARREL L. JOHNSON
JAMES S. JOHNSON
JOSHUA M. JOHNSON
SYLVIA D. JOHNSON
TROY S. JOHNSON
ANDREW R. JOHNSTON
CHRISTOPHER M. JONES
TYRONE JONES, JR.
JOSHUA B. JORDAN
MARCUS L. JORDAN
ROBERT F. JORDAN
DAVID D. KELLEY
RICHARD S. KELLEY
LEAH M. KENFIELD
MEGAN J. KEUSS
BRIAN B. KIBITLEWSKI
KATARINA KING
TIMOTHY G. KIRBY
ERIC P. KLEIN
JULIE M. KLIMACH
MICHAEL A. KLOBNAK
JASON M. KNAPP
JOSEPH E. KOBES
ANDREW J. KOCSIS
RYAN KOSOWSKY
JESSICA R. KOVACH
TERRANCE L. KRATZ III
JAMES E. KYLE
THOMAS J. KYNE II
ADDISON F. LADIERO
EDWARD B. LANCE, JR.
ROBERT A. LANE, JR.
ANGELA S. LAPE
TODD A. LAUVRAY
ANJEANETTE L. LAWSON
QUINTON B. LEATH
NAIM R. LEE
CALEB A. LEWIS
MARC A. LEWIS
PAUL Z. LICATA
MARIA A. LINDSEY
KEVIN M. LINZEY
JONATHAN D. LIPSCOMB
BLAKE L. LITTLE
RONALD G. LOCKLEAR
CHRISTINA L. LOGAN
OYYIF K. LOGAN
NEFRATERIA S. LOVETT
SHAUN P. LUCAS
JOSEPH L. LUCHETTA
KARL H. LUDEMAN
JENNIFER A. LUDWICK
BETH L. LUTHER
HUNG T. LY
PATRICK T. LYONS
LASHANDA M. MACK
RACHELLE M. MACON
ANTHONY S. MAGGERT
CHARLES C. MANNING
SHANNON D. MARBURGER
CHARLES L. MARKLEY
TED A. MARLATT
DAVID MARSHALL, JR.
DEDRICK J. MARSHALL
ALDRIC O. MARTIN
GREGORIO MARTINEZCHAVEZ
TERESA L. MARVIN
ZORAIDA I. MATHER
JOSHUA W. MATTHEWS
BRADLEY M. MAY
ROBERT A. MCCANDLESS
JOSEPH J. MCCARTHY
JARED A. MCCORMICK
CLAIRE MCCULLISS
JEFFREY T. MCCULLOUGH
JONATHAN MCDOUGAL
RYAN W. MCEWAN
JARRON C. MCGARRY
JOHN F. MCGEE
TERRENCE M. MCGEE
MICHAEL B. MCGUIRE
JAMES S. MCKENZIE
CHRISTOPHER Q. MCKINDRA
SCOTT P. MCLENDON
HOWARD G. MCLYMONT
CARPER H. MCMILLAN
JOSE A. MEDINA
KARIN R. MEINDL
LEON A. MELTON
FRANCISCO J. MENDOZA
KEVIN H. MENSING
KEVIN L. MERCER
CARLOS J. MERINO
DEMOND J. MERRICK
MATTHEW D. MEYER
TRISHA A. MEYER
MICHAEL MEZA
MAURICE A. MILES
REBECCA A. MILKOWSKI
ANTHONY S. MILLER
KARMA A. MILLER
MICHAEL J. MILLER
STEPHEN E. MILLER
ASHLEY T. MILLETT
FRANCISCO J. MIRANDAZAYAS
CARRIE A. MITCHELL
JERRY D. MOIZE
BERNARD K. MONROE
MILTON A. MONTENEGRO
BELINDA M. MOOD
ADAM B. MOODIE
LILIU P. MOODY
TERRY D. MOODY
TIMOTHY S. MOON
AVERY C. MOORE
BRIAN W. MOORE
TORRENCE D. MOORE
WILTON MORALES
SCOTTY T. MORI
MARLON M. MORMAN
TIFFANY A. MORMAN
CAREY L. MORROW
JOANNA MOSBY
JAMES T. MOSLEY, JR.
PARKER S. MOYE
WILLIAM R. MULKEY
WILLIAM A. MURASKI
OPAL P. MURPHY
SCOTT P. NALE
TROYJOHN C. NAPUTI
BALBINO M. NAZARIO
DOMINGO NEGRON
KIMBERLY NELSON
SCOTT E. NEMETH
PHUONG H. NGUYEN
VINH B. NGUYEN
KATHRYN M. NILSEN
GEORGE M. NISSON
GEORGE S. NIX, JR.
KELLY M. NOCKS
KENNITH B. NORMAN II
TARA M. OCTAVIANO
BRENT A. ODOM
AYOKUNLE O. OLADIPOFANIYI
MELISSA A. OLENDORF
CARLOS C. OQUENDO
CHRISTOPHER T. ORLOWSKI
RICARDO ORTIZROSARIO
RADAMES ORTIZSANTIAGO
JOHN P. OSULLIVAN
LUIS R. OTERO
JOSE M. OTEROSERRANO
BRANDON L. OUTLAW
CHRISTOPHER PAGE
JOSHUA PANEK
ERIC J. PARTIN
MICHAEL C. PAVLISAK
JAMIE C. PEER
JESUS A. PENA
LEONEL A. PENA
ERNESTO PEREZ
DAVID N. PETERS
EDWARD R. PHELPS, JR.
TODD A. PHILLIPS
MICHELLE POPE
ADRIENNE M. PREM
GARY L. PRICE
ALBERT A. PRIDE
ALICIA L. PRUITT
BRIAN L. PURDY
PRESTON G. PYSH
JOHN J. QUINN
RAJESH RAMLAKHAN
PHILIP S. RAUMBERGER
TORRIONNE RECHE
RAYMOND L. REED III
CHARLES R. REESE
RICHARD I. REEVES II
TABITHA J. REID
CESARIO J. RENDON
CARLOS J. REYES
PAUL R. REYES
BRENT A. REYNOLDS
HASSAN K. REYNOLDS
CHRISTOPHER M. RICHARDSON
JOSHUA RICHEY
DAVID L. RILEY, JR.
OCTAVIO J. RIVERAFONSECA
ANNIE L. ROBINSON
JUDITH F. ROBINSON
RONDELL ROBINSON
TANGELA V. ROBINSON
EDUARDO RODRIGUEZ, JR.
ERNAN D. RODRIGUEZ
JUAN A. RODRIGUEZ
REFUGIO RODRIGUEZ III
DANA C. ROOD
CARMEN J. ROSADO
PEDRO J. ROSARIO
JOHN M. ROY
NATHAN T. ROZEA
ROCHELLE S. RUIZ
JEROME RUSSELL, JR.
CHADRICK M. RYG
MAXIMO A. SANCHEZGERENA
JAMES D. SANDLIN
PAUL F. SANTAMARIA
EDGAR O. SANTANA
JEANNETTE SANTANA
FREDRICK SANTIAGO
JAIME SANTIAGO
TOSHIHIDE SASAKI
JOHN A. SCARBROUGH
GEORGE P. SCHNEIDER, JR.
CHARLES M. SEABERRY
JOHN D. SEITZ
MAX V. SELF
CHARLES D. SESSIONS
JON H. SHACKELFORD
DAVID C. SHAFFER
SCOTT L. SHAFFER
AARON M. SHAMBLIN
SCOTT D. SHANNON
JOHN C. SHEAFFER
ALEX B. SHIMABUKURO
RHOAD J. SHUPE
UPENDA P. SIBLEY
LARRY M. SIMPSON
DAWN M. SMALLS
TROY L. SMART
MICHAEL A. SMILEY
ANDREW B. SMITH
DAVID W. SMITH
DINA M. SMITH
JAMISON R. SMITH
JULIUS SMITH, JR.
STEVE C. SMITH
THOMAS C. SMITH
DEANA M. SOFFOS
DERON M. SOMMERS
KARL P. SONDERMANN
JASON A. SOPKO
BENJAMIN SOTO

TEX W. SOTO
ANGEL L. SOTOVELAZQUEZ
CHERYL N. SPARKS
MATTHEW S. SPARKS
JAMES G. SPEARS
DAVID E. SPOHN
JERRY L. STARR
BENJAMIN A. STEADMAN
ALAN L. STEPHENS
CHRISTOPHER R. STEWART
TODD F. STULL
DOMINICK T. SUPERSAD, JR.
JONATHAN M. SWAN
JERALD D. SWANSON
PEARLETHA SWATSON
MATTHEW A. SWEENEY
OLIVIA S. TAPLIN
DELARIUS V. TARLTON
GEORGE M. TAYLOR
MICHAEL B. TAYLOR
STEPHEN J. TEGGE
AARON C. TELLER
BENJAMIN M. TERWILLIGER
PATTY L. TESAR
MICHAEL E. THOMAS
MICHAEL D. THOMPSON
SHANNON N. THOMPSON
TONY L. THORNTON
ERIC W. TIMMERMAN
QUETABALA L. TOBIN
SHARON L. TOLBERT
WILLIAM E. TOLES, JR.
DAVID A. TOLLESON
MARYGRACE P. TOMOMITSU
KAREEM J. TOOMER
RICKEY J. TORRES
ROCKY O. TORRES
LUCAS R. TOWNE
CHRISTOPHER M. TRAMONTANA
BRIAN M. TRAVIS
BRAD A. TWEEDY
JAY S. VANDENBOS
ELIZABETH VARGAS
RODRIGO A. VARGAS
FRANCISCO J. VAZQUEZ
ANGEL G. VEGA
BERTALINA VILLAR
AMELIA H. WALDON
ROBERT M. WALKER
WILLIAM S. WALKER
JOSHUA M. WALTER
DAVID D. WALTERS
CHARLES D. WARD
VERNETTA C. WARNER
VAUGHN P. WARREN
JASON WATERS
MICHAEL C. WATSON
CHAD B. WATTS
HEATH R. WEAVER
WILLIAM G. WEAVER
KENDALL C. WELLS
APRIL J. WHARTON
LEROY WHEELER
CHANDRIA R. WHITE
MARCUS J. WHITE
KEMAU A. WHITTINGTON
ALLIN L. WHITTLE II
GREGORY W. WILEY
OLRIC R. WILKINS II
ADAM C. WILLCOXON
DION E. WILLIAMS
LISBON J. WILLIAMS, JR.
TAYONIA M. WILLIAMS
TONY L. WINSTON
EDWARD K. WOO
SIMEON J. WOOD
DEVIN C. WOODS
NIKOLITSA WOOTEN
ANGELIQUE WORTH
PAMELA S. WRIGHT
CHRISTOPHER C. WURST
TRACI J. YAMADA
ELIAS YBARRA
LEONANI I. YORK
RAYMOND K. YU
SARAH K. YUN
JOSEPH C. ZABALDANO
CODY L. ZACH

## WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 9, 2011 withdrawing from further Senate consideration the following nomination:

PAUL M. TIAO, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.