

STATEMENT OF STEVEN A. ENGEL¹

**FORMER DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL
U.S. DEPARTMENT OF JUSTICE**

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES**

**TEN YEARS AFTER THE 2001 AUMF: CURRENT STATUS OF LEGAL
AUTHORITIES, DETENTION, AND PROSECUTION IN THE WAR ON
TERROR**

JULY 26, 2011

Thank you, Chairman McKeon, Ranking Member Smith, and Members of the Committee. I appreciate the opportunity to appear here today to discuss the legal framework for our detention policy, now nearly ten years after the attacks of September 11. And I am particularly honored to appear beside Judge Mukasey and Mr. Dell'Orto, two extraordinary public servants with whom I had the privilege of working during my time at the Department of Justice.

On September 11th, Al Qaeda proved that it had the military capability to inflict an attack on our homeland as devastating as anything that our Nation had experienced before. While Al Qaeda clearly demonstrated that it represented a military threat to our country, the group is very different from our prior enemies. Al Qaeda is not a nation state, and its forces neither wear uniforms nor control territory in a conventional sense.

¹ Steven A. Engel is a partner in the Washington, DC office of Dechert LLP. From February 2007 to January 2009, he served as Deputy Assistant Attorney General in the Office of Legal Counsel of the U.S. Department of Justice, and from June 2006 to January 2007, as counsel in that office. Mr. Engel graduated Yale Law School, Cambridge University, and Harvard College *summa cum laude*. He served as a law clerk to Associate Justice Anthony M. Kennedy of the Supreme Court of the United States and to now-Chief Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit.

Rather, Al Qaeda operates outside of, or in the shadows of, the laws of nation states, by exploiting the power vacuums in failed states, making opportunistic alliances where available, and operating covertly from within other nations.

Just as the attacks themselves took the United States by surprise, the legal framework has taken time to catch up. The traditional laws of war are premised upon a conventional international armed conflict or, in some cases, civil wars. The established legal framework provides clear answers to who may be detained, how they must be treated, and where they should be prosecuted. None of these questions is self-evident when it comes to the War on Terror.

The United States has developed answers to those questions only over time. Congress has played a role setting the governing law through such measures as the Detainee Treatment Act of 2005 or the Military Commissions Acts enacted in 2006 or 2009. Those statutes, however, were not intended to provide a comprehensive legal framework, but rather were piecemeal responses to the pressure of court decisions or to narrow political disputes. More commonly, the legal framework for this conflict, including such fundamental questions as who may be targeted by our military and who may be detained, has been set by Executive Branch determinations that, partially and fitfully, have been tested by the courts and refined as necessary.

While this ad hoc legal framework has been developed over time and now ratified by two presidential administrations, it is hardly efficient and it is not yet complete. In part because of congressional silence, nearly ten years after the September 11 attacks, we still do not have perfect clarity over who may be detained and where captured belligerents in this conflict should be prosecuted.

This Committee, in enacting the National Defense Authorization Act of Fiscal Year 2012 (“NDAA”), has taken an important step forward in providing answers to these questions. This morning, I would like to address briefly two provisions of this bill that have generated some discussion: section 1034, which would codify the Executive Branch’s understanding of the scope of the armed conflict, including its detention authority, and section 1039, which would prohibit the use of funds to transfer enemy belligerents in military custody, at Guantanamo Bay or elsewhere, to the United States and thereby ensure not only that these individuals would be kept outside of our borders, but that they would be prosecuted by military commissions.

A. Section 1034 of the NDAA: Detention in the War on Terror

Section 1034 would provide an important and, in many ways, long overdue, updating of the statutory authorization for this armed conflict. Section 1034 would affirm that the United States “is engaged in an armed conflict with al-Qaeda, the Taliban and associated forces,” Section 1034 (1), would make clear that this armed conflict continues, *id.*, and would confirm that the enemy includes those who “are part of, or are substantially supporting, al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners,” *id.* 1034(3).

Section 1034 has been the subject of some controversy by those who have claimed that it would be a new “declaration of war” that would expand the scope of the War on Terror beyond Afghanistan. Indeed, opponents have claimed that Section 1034 would “commit the United States to a worldwide war without clear enemies, without any geographical boundaries.” Yet our military has been fighting precisely such a conflict for nearly a decade now. And Congress did authorize the United States to fight a “worldwide war,” against a shadowy enemy, without any “geographical boundaries.”

Section 1034 is necessary, not to expand the conflict, but simply to ratify the understanding of this conflict that the Executive Branch—under the Administrations of both President Obama and President Bush—has developed in fighting this war. The language in Section 1034 is not new, but rather draws upon the definition that the Executive Branch has used to determine both whom we may detain and whom we may target in battlefields around the world. The Executive Branch has developed this definition based on its interpretation of the broad authorization that Congress provided in the wake of the September 11th attacks. While it is important that Congress confirm this interpretation and give it the clear force of law, Section 1034 neither expands the nature of the conflict, nor confers any new authority on the President at all.

One week after the September 11th attacks, Congress authorized the President to engage in an armed conflict against Al Qaeda and its supporters, no matter whether they are inside Afghanistan or elsewhere. On September 18, 2001, Congress enacted the Authorization for Use of Military Force (“AUMF”), Pub. L. 107-40, which authorized the President to use military force against “those nations, organizations, or persons” who “planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States” by such persons. Pub. L. 107-40, 107th Cong. (2001). Congress did not specifically address the President’s detention authority in the AUMF, but the President’s authority to wage war necessarily includes the power to detain enemy belligerents captured in the hostilities. *See Hamdi v. Rumsfeld*, 542 U.S. 507 (2004).

The AUMF, by its terms, was not limited to Al Qaeda or to Afghanistan. Rather, Congress authorized the President to commit our forces to fight the “nations, organizations and persons” involved in the September 11th attacks, and those who “harbored” them, no matter where they were. This was prudent. Al Qaeda was not indigenous to Afghanistan; its presence was opportunistic. While its forces had concentrated there at the time of the September 11th attacks, Al Qaeda was not rooted to that soil, then or now, and it continued to draw on members and affiliates all over the world. In the AUMF, Congress thus did not identify the enemy with precision or locate the conflict in one theater. Rather, Congress authorized the President to take the fight to the enemy, no matter where it was located or where it would spring up over time.

Congress’s initial judgment under the AUMF has proven correct. Over the past ten years, the War on Terror has brought United States forces to Afghanistan, but also to Pakistan, Iraq, Yemen, and Somali, among other places. In the course of the conflict, the United States has captured Al Qaeda members in all of those countries and many others around the world. Regardless of where they were captured, the United States has transferred Al Qaeda members and their supporters to military custody and detained them under the laws of war as enemy belligerents, which of course they are.

While the AUMF was a broad and open-ended grant of authority, the Executive Branch has over the course of the conflict been obliged to define the enemy with greater precision. In part, the military has had to do so for by necessary, so as to understand whom we are fighting. In addition, the United States has frequently been compelled to define the enemy with lawyer-like precision because it has had to defend these military

decisions in the federal courts, against the litigation challenges that began soon after the first enemy belligerents were transferred to Guantanamo Bay.

Amidst this litigation context, the Executive Branch, across two Administrations now, has asserted the authority to detain persons who were “part of, or substantially supported, Al-Qaida, the Taliban or associated forces.” The Department of Defense originally developed this definition in connection with the administrative review of the Guantanamo Bay population during the Bush Administration. The Obama Administration subsequently adopted the same definition, tweaking it to make clear that the United States would detain only those who “substantially” supported the enemy. (The addition of the adverb did not affect any actual detention decisions, given that the United States had never sought to hold insubstantial supporters of the enemy.)

Despite authorizing the use of military force, Congress has not directly addressed the definition of who may be detained. Congress, however, did borrow from this Executive Branch formula in determining who may be prosecuted by military commission under both the Military Commissions Act of 2006 and the Military Commissions Act of 2009. Both statutes provided for the prosecution of not only those who are part of Al Qaeda and the Taliban, but also “those who purposefully and materially support such forces in hostilities,” language very similar to that contained in Section 1034.²

² See Military Commissions Act of 2006, P.L. 109-366, § 948a(1)(A)(i) (authorizing the trial of an individual who “engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces)”); Military Commissions Act of 2009, P.L. 111-84, § 1802, §§ 948a(7), 948b(a) (authorizing the trial of those who “purposefully and materially supported hostilities against the United States or its coalition partners”).

Section 1034's definition of the enemy thus reflects the legal status quo. Both the Bush Administration and the Obama Administration have repeatedly advanced this definition before the federal courts, and the U.S. Court of Appeals for the D.C. Circuit has upheld this definition, and it remains the governing law in the Guantanamo Bay habeas litigation. Section 1034 does nothing more, but also no less, than confirm that Congress agrees with how the President has understood the existing armed conflict and his detention authority under the AUMF.

While Section 1034 may not formally change the law, it remains important nonetheless. In our system of government, Congress has the principal role in defining the scope of our armed conflicts. The Founders granted Congress the power to declare war, and in recent years, Congress has exercised that power not by formal declarations, but by authorizing the use of military force.

Congress's authorization of the War on Terror was broad and open-ended, yet the country would benefit from a new and more precise affirmation of the state of the conflict. The AUMF, focused as it was on the September 11th attacks themselves, did not specifically name Al Qaeda or the Taliban, and over the past decade, the threat from Al Qaeda and like-minded organizations has developed in new and different ways. It may be reasonable for the President to classify Al Shahab, the Pakistani Taliban, or the home-grown Al Qaeda franchises in Iraq or Yemen as part of the same enemy with whom we are at war under the AUMF, but those groups did not themselves plan the September 11th attacks. As the United States continues its military and detention operations outside of Al Qaeda's original hideouts in Afghanistan, and as may well happen, litigation challenges emerge to such decisions, it becomes increasingly important

for Congress to weigh in and confirm this understanding. While the President's interpretation of the AUMF is entitled to substantial deference in the courts, it does not have the force of law. In the absence of a clear statement from Congress, it is possible that the courts could have the last word in determining the scope of the armed conflict, even though they are the branch of government with the least degree of competence to make those decisions.

Even in the face of congressional silence, courts have looked to Congress as a guide. Indeed, the D.C. Circuit did as much in *Al-Bihani v. Obama*, 590 F.3d 866 (2010), the first decision upholding the President's authority to detain those who "substantially supported" Al Qaeda, the Taliban, and associated forces. In evaluating the President's detention authority under the AUMF, the D.C. Circuit looked to Congress's definition of who may be prosecuted by military commissions under the Military Commissions Acts of 2006 and 2009. While noting that those statutes did not address detention, the court recognized that "the government's detention authority logically covers a category of persons no narrower than is covered by its military commission authority" and it includes those who "purposefully and materially support" hostile forces. *Id.* Thus, even when Congress has not directly acted, the courts have sought congressional guidance by looking to analogous statutes to ascertain the appropriate interpretation of the AUMF.

In addition to confirming the President's authority under the AUMF, Section 1034 will provide the equally important function of confirming that the threat from Al Qaeda and associated forces remains. In *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), the Supreme Court recognized that the President's detention authority continues until the end of hostilities. With the end of Osama Bin Laden and the beginning of a draw down in

Afghanistan, there will no doubt be some who argue that time has eroded the power of the United States to detain captured Al Qaeda members and their affiliates under the law of war.

Yet while the United States have had substantial success in preventing attacks on the homeland since September 11th, the enemy has never stopped trying. With the United States maintaining a strong presence in Afghanistan and projecting force into Pakistan as well, Al Qaeda has adapted and evolved, taking refuge and developing offshoots in other troubled areas, such as Yemen and Somalia. These groups may take inspiration from Al Qaeda, and may adopt its military objectives, without necessarily answering to its command structure. It thus would be premature, and indeed foolhardy, to declare an end to the War on Terror, while the threat remains. Section 1034, by updating and reaffirming the continued threat, ensures that the Executive Branch will continue to have the authority it needs to detain the Al Qaeda members in its custody and those who are captured in the future.

For these reasons, Section 1034 will bring needed clarity by updating the statutory authorization the Executive Branch has relied upon over the last decade. So long as Congress remains silent, and the Supreme Court has not weighed in, the President's interpretation will be subject to challenge. Such uncertainty does not serve the interest of those who are fighting in this armed conflict and such uncertainty does not serve the rule of law.

B. Section 1039 and Prosecution in the War on Terror

While Section 1034 of the NDAA would confirm the Executive Branch's understanding of its detention authority, Section 1039 and similar provisions would place limits on the exercise of executive authority when it comes to the transfer of individuals

in military custody, either away from Guantanamo Bay or into the United States. The impetus for this legislation has not simply been to keep Guantanamo Bay open and to keep captured belligerents outside our borders. Congress also has been responding to the Administration's effort to prosecute such belligerents, who were captured and detained by our military and intelligence personnel, in civilian courts as though they were ordinary criminals.

Under our separation of powers, both Congress and the Executive Branch have important roles to play in making detention and prosecution decisions. In an ideal system of government, perhaps, the political branches would agree and such restrictions would be unnecessary. In the real world, we have seen a gulf develop between Congress and the Executive Branch over these issues, arising from the Obama Administration's halting and somewhat inconsistent embrace of the military commission system. This morning, I would like to touch briefly about the consensus that has emerged underlying the military commission system and then explain why the congressional restrictions under section 1039 are fully consistent with Congress's role in our separation of powers.

In the wake of the September 11th attacks, the Bush Administration announced that it intended to revive the use of military commissions for the prosecution of captured enemy combatants who had committed war crimes against Americans. Although that decision was controversial when announced, over the past decade, Congress has passed two statutes designed to endorse the use of military commissions and to codify a detailed set of procedures for such trials. The Obama Administration in fact pushed the second statute through Congress for the express purpose of improving the system and allowing

the commission trials to go forward. Accordingly, we now have a bipartisan consensus that military commissions are an important tool in the War on Terror.

The debate then has shifted to what kinds of cases should be prosecuted before the commissions, and which cases should be brought in Article III courts. As President Obama has recognized, the United States has long employed military commissions for prosecuting captured enemies for violations of the laws of war. Many of our greatest Presidents—including George Washington, Abraham Lincoln, and Franklin Delano Roosevelt—have recognized in our past conflicts both the lawfulness and the utility of military commissions. Indeed, it is fair to say that commissions represent the traditional means by which this country has tried captured enemies for war crimes.

As with past armed conflicts, the United States has recognized the military justice system to be the appropriate forum for prosecuting captured enemies who commit war crimes against American service members and civilians. The defendants in military commission prosecutions are not ordinary civilian criminals. Their actions arise out of an armed conflict, and they breach the laws of war, not our domestic criminal code.

While it is sometimes the case—and particularly so, when it comes to our war against Al Qaeda terrorists—that the crimes committed by our enemies may also violate our domestic laws, the United States has traditionally not treated its wartime enemies as ordinary domestic criminals. For instance, when the FBI arrested eight German saboteurs in the United States during World War II, President Roosevelt did not present them for trial to the civilian justice system, although he surely could have done so. Rather, he determined that such captures—even though they were effected by law enforcement and took place on American soil—were incident to an armed conflict, and so he directed that

they be prosecuted by military commission. The same circumstances are presented here. During the present armed conflict, we have relied on our military not simply to fight Al Qaeda, but to detain them under the law of armed conflict. So too it is appropriate to regard their offenses, not as ordinary violations of our domestic laws, but as war crimes, and to turn to the military justice system to hold them accountable.

The additional justification for military commissions is a more practical one. In contrast with our civilian courts, military commissions are simply better tailored to handling the challenges of wartime prosecutions. Military commissions have special rules better able to handle the significant amounts of classified information that are implicated by the trials of those apprehended during wartime and by our military and intelligence services. Military commissions can better, and more easily, provide for the safety and security of the participants than can the federal courts located in our communities.

Most significantly, military commissions employ more flexible rules of evidence that allow for the consideration of battlefield evidence that likely would not be admissible under the strict procedural rules of the federal courts. As the Obama Administration's Detention Policy Task Force explained in its July 20, 2009 preliminary report:

Some of our customary rules of criminal procedure, such as the *Miranda* rule, are aimed at regulating the way police gather evidence for domestic criminal prosecutions and at deterring police misconduct. Our soldiers should not be required to give *Miranda* warnings to enemy forces captured on the battlefield; applying these rules in such a context would be impractical and dangerous. Similarly, strict hearsay rules may not afford either the prosecution or the defense sufficient flexibility to submit the best available evidence from the battlefield, which may be reliable, probative and lawfully obtained.

By contrast with our federal courts, the military commissions do not require *Miranda*

warnings, and they permit the consideration of hearsay, when reliable and appropriate, under circumstances considerably broader than in Article III courts. Military commission rules thus are adapted to wartime circumstances, and they can permit full and fair trials under circumstances where trials in Article III courts would not be feasible.

The Bush Administration believed that Article III terrorism prosecutions played an important part in our Nation's counter-terrorism efforts, and we counted many successes in winning convictions against terrorists and terrorist supporters apprehended in the United States through the traditional methods of law enforcement. When it came to the prosecution of aliens captured and detained abroad by our military and intelligence forces, however, President Bush determined, consistent with historical precedents, that military commissions were the appropriate forum for trying the "unlawful enemy combatants" or "unprivileged belligerents" who had committed war crimes against our civilians or our military forces.

Although the Obama Administration has agreed that military commissions should be used, the Administration has had a more difficult time articulating whether and when it will make use of the commission system. Indeed, while defending the commissions as the appropriate forum for hearing war crime cases, the Obama Administration then has treated the commissions system solely as a court of last resort—suitable only where Article III prosecutions would not be feasible.

We saw that presumption at work first with the prosecution of Ahmed Ghaliani, an Al Qaeda member involved in one of the group's early acts of war, the bombing of our embassies in Kenya and Tanzania. The Obama Administration transferred Ghaliani from military custody in Guantanamo Bay to New York to stand trial in a federal court on

civilian criminal charges. After the federal judge issued a number of rulings limiting the Government's evidence, the jury acquitted Ghaliani of 279 of the 280 charges. That single conviction in fact was sufficient to secure a life sentence, and so disaster was averted, but the hundreds of acquittals made for a rather close call that hardly builds confidence that civilian trials are the appropriate venues for to future prosecutions of enemy belligerents captured and detained by our military and intelligence services.

The Attorney General made even bigger headlines when he indicted Khalid Sheikh Mohammed and his co-conspirators for the September 11th attacks in that same New York federal court. This time, in the face of a massive political backlash from Congress and the people of New York, the White House suspended the Attorney General's decision and the 9/11 prosecution languished another year, as the Administration languished over whether to move its signature civilian prosecution to the military commission system. Ultimately, it was Congress that broke the logjam through last year's defense authorization act, which blocked the transfer of detainees to the United States, taking the civilian prosecution option off the table and leading the Obama Administration finally to embrace military commissions.

Section 1039 of the NDAA essentially continues these restrictions and would prevent the Administration from transferring detainees at Guantanamo into the United States. In addition, it would go further and prevent the Administration from transferring any detainee in the War on Terror to the United States and so would extend to the case of Abdulkadir Warsame, the Al-Shahab member who was detained on a U.S. warship for several months before being transferred to the United States for a civilian prosecution. Section 1039 would close off that option by requiring the U.S. military to hold Warsame

outside the United States, either at Guantanamo Bay or elsewhere.

The Obama Administration has, not surprisingly, raised a separation of powers objection, contending that section 1039 challenges Executive Branch authority “to determine when and where to prosecute detainees, based on the facts and the circumstances of each case and our national security interests.” While the President’s constitutional authority clearly does include individual detention and prosecution decisions, the Administration’s objection overlooks Congress’s equally important role to play.

The President is responsible for taking care that the laws are executed, and that extends to making particularized decisions to detain or prosecute based on the law and facts of particular cases. When it comes, however, to the broader policy questions as to whether military detainees, as a class, should be tried in Article III courts or in military commissions, Congress has an equally important, and indeed, preeminent role in making that decision.

The Constitution charges Congress, after all, with the responsibility to create the lower federal courts and to define their jurisdiction. *See* U.S. Const. art. I, § 8, cl. 8 (granting Congress the power “[t]o constitute Tribunals inferior to the supreme Court”). Congress also has the power to create so-called Article I courts, which may hear cases permitted under the Constitution outside the federal courts. Congress has exercised this power in establishing the courts martial under the Uniform Code of Military Justice and the statutory military commissions under the two Military Commissions Acts.

Congress thus clearly has the authority to set the jurisdiction of both the Article III courts and the military commissions, and to determine what cases to be tried in each.

Thus, while Congress should not decide that a particular prosecution be brought in a particular available court, Congress clearly may declare that a class of cases—such as prosecutions against enemy belligerents in military custody—go forward in the military commission system, rather than in Article III courts.

In a perfect world, perhaps, Congress would make such a statement by amending the Military Commissions Act to grant exclusive jurisdiction over such cases to the commission system. While Section 1039 may be a less elegant (or permanent) way of adopting substantive policy, Congress clearly can play an appropriate and constructive role in determining which cases go forward in the military commissions and which go forward in Article III courts. Accordingly, Section 1039 plainly falls within Congress’s constitutional authority, and as we have seen with the 9/11 case, its earlier version has played a constructive role in actually moving the commission prosecutions forward.

* * *

In the ten years since the September 11th attacks, the three branches of our Government have engaged in a robust debate to define the appropriate legal framework for detention and prosecution. These issues remain important to our Nation’s ability to effectively prosecute this armed conflict, and the detainee provisions of the NDAA represent an important step forward in establishing that legal framework. Thank you Chairman McKeon and Ranking Member Smith for the opportunity to be here today, and I look forward to answering any questions.

14165706.1.LITIGATION

**DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION**

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(4), of the Rules of the U.S. House of Representatives for the 112th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Armed Services Committee in complying with the House rule.

Witness name: Steven Engel

Capacity in which appearing: (check one)

- Individual
 Representative

If appearing in a representative capacity, name of the company, association or other entity being represented: _____

FISCAL YEAR 2011

federal grant(s)/ contracts	federal agency	dollar value	subject(s) of contract or grant
None			

FISCAL YEAR 2010

federal grant(s)/ contracts	federal agency	dollar value	subject(s) of contract or grant
None			

FISCAL YEAR 2009

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
<i>None</i>			

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2011): _____;
 Fiscal year 2010: _____;
 Fiscal year 2009: _____.

Federal agencies with which federal contracts are held:

Current fiscal year (2011): _____;
 Fiscal year 2010: _____;
 Fiscal year 2009: _____.

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2011): _____;
 Fiscal year 2010: _____;
 Fiscal year 2009: _____.

Aggregate dollar value of federal contracts held:

Current fiscal year (2011): _____;
 Fiscal year 2010: _____;
 Fiscal year 2009: _____.

Federal Grant Information: If you or the entity you represent before the Committee on Armed Services has grants (including subgrants) with the federal government, please provide the following information:

Number of grants (including subgrants) with the federal government:

Current fiscal year (2011): _____;
Fiscal year 2010: _____;
Fiscal year 2009: _____.

Federal agencies with which federal grants are held:

Current fiscal year (2011): _____;
Fiscal year 2010: _____;
Fiscal year 2009: _____.

List of subjects of federal grants(s) (for example, materials research, sociological study, software design, etc.):

Current fiscal year (2011): _____;
Fiscal year 2010: _____;
Fiscal year 2009: _____.

Aggregate dollar value of federal grants held:

Current fiscal year (2011): _____;
Fiscal year 2010: _____;
Fiscal year 2009: _____.