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### **Arrays of light**

By **Ashley Hennefer** [ashleyh@newsreview.com](mailto:ashleyh@newsreview.com) article was published on [06.28.12](#).

The Yerington Paiute Tribe installed four new solar arrays to help power tribal facilities. A ceremony on June 21 also featured the dedication of a commemorative sundial by artist Louise Mackie. According to Black Rock Solar, which designed and build the arrays for the tribe, the “sundial has been placed in the center of a 43.5 kW solar photovoltaic array that was designed in the shape of the geometric sun.” Three of the arrays were created in a pictograph style, symbolizing the sun, the gavel—the tribe’s official symbol—and the basket weave. The tribe received rebates for all four arrays through NV Energy’s rebate program, and is expected to save an estimated \$21,500 each year. The money will go toward “education, health and elder services in the community,” according to a statement released by Black Rock Solar.

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### **Love in warming climate: Interracial marriage is on the rise and so is American support of it**

When Rosalyn and Donal Pelles married in Chapel Hill in 1977, most of the country opposed their union.

Donald is white; Rosalyn is black. And according to a Gallup poll from 1972, 60 percent of American opposed inter-racial marriages. Until ten years before the Pelleeses were married, interracial marriage was illegal in North Carolina. The first couple to legally wed didn’t do so until 1971.

The number of interracial married couples has steadily risen since the Pelleeses were married, and not is;s at al all-time high according to a Pew Research poll released in February. Fifteen percent of new marriages in the United States, and about 13 per cent in North Carolina, were between people of different races in 2010. And as more interracial couples have headed to the altar, more Americans have approved. Today, more than 60 percent polled said they would be accepting if a family member married someone of a different race or ethnicity.

## **Legalizing Love**

Although they've only been legally recognized in the past fifty years, interracial unions are an American tradition older than the country itself - white Americans and African-Americans (*and Indians*) often had relationships and children together.

According to Robin Lenhardt - a Fordham University Law professor and panelist at UNC's March 2 discussion of interracial marriages legal history -- courts began to seriously grapple with interracial marriage in 1948 with *Perez v. Sharpe*. The plaintiffs in the California case -- a black man and a Hispanic woman -- insisted they had a right to marry. The case was the first since Reconstruction to attack the anti-miscegenation laws that were the basis for discrimination against interracial lovers.

The justice who oversaw the case recognized that one could not apply the landmark court opinion from *Plessy v. Ferguson* on marriage and argue the "separate but equal" position.

"It's not the case that you can equalize love like you can trains or schools", Lenhardt said. "There's no equal replacement in this context."

In 1967, the Supreme Court ruled that the laws banning interracial marriage were illegal with *Loving v. Virginia*, paving the road for couples like the Pells.

### **Tensions once the battle was won.**

Donald Pells said the couple never faced discrimination when they lived in Durham.

"Maybe it was the people we associated with," Donald said. "I don't know what people might have thought when they saw us walking down the street, but no one confronted us or anything."

Yet they did face opposition from his family.

"My mother warned me that our children would face all kind of barriers and prejudice from white and black people." Donald said.

Donald's stepfather was particularly bothered by Donald's marriage and his mother refused to visit Donald and Rosalyn until her husband's death eight years ago, claiming he would leave her if she did. Now she has a loving relationship with them and their son, Donald.

"I was surprised and angry, Donald said of his family's reaction. "But I hadn't been that close to them anyway, so it didn't really affect us that much."

The reaction of Donald's mother - "think of the children!" - is a common reason cited by those who oppose interracial marriage, according to research done by Wake Forest University professor Earl Smith. Despite his mother's warnings, however, the Pells' son was never discriminated against because of his dual lineage.

"He was certainly no worse off than anyone else who was black", Pells said. "I don't think there was any prejudice against mixed-race children in the black community. They would simply be regarded as black by black and white alike."

Conversely, Roslyn's family welcomed Donald immediately. This, too, is in keeping with statistics found by Smith - white people are more likely to oppose interracial marriage than any other racial group, and black people are the most likely to accept it.

Donald attributes this to the remnants of white supremacy from the slavery and Jim Crow eras.

"White supremacy was, among whites in the south, considered a way of life that they had to defend pretty much anyway they could with laws, with violence -- with social ostracism and social pressure," he said. "And that was never the case in the black community."

### **Looking to the future**

Like Donald Pelles, Christopher Putney is a white man in an interracial marriage. But he married in a far more accepting environment -- in Massachusetts, in the spring of 2011. And people who oppose his marriage tend to do so based on his sexuality.

But Putney - UNC Director of Slavic and East European Languages and Literature -- and his husband John have not been targeted at their homes in North Carolina or Florida for either their race or sexuality, although they could not legally get married in either state.

"I think it's very clear when we're together, that we're very much in love, and I think people respond well to that, if they see a couple who are really crazy about each other and meant for each other," he said. "It seems to eclipse any kind of prejudices {they} might have."

The latest Pew poll on the topic shows Americans are becoming accepting of gay marriage as well. In 2011, almost as many people supported it (45 percent) as opposed it (44 percent).

In the meantime, lawyers are using the same court cases to fight for gay Americans' rights as they did to ensure interracial marriage. The Perez case is one of the most commonly cited cases in civil rights litigation, and it argues marriage is a right, Leinhardt said.

Regardless of legislation or public opinion, both the Pelleses and Putneys say their marriages are no more challenging than any other.

"{Marriage} is always a culture clash, and you have to resolve that," Donald said. "Som of that might be race, but a lot it is just growing up in different families with different traditions and values. In a marriage, you learn to assimilate with each other and tolerate those differences."

(Campus Blue Print April 2012)

*I included the above for several reasons. One to celebrate the diversity of my family; 2) to acknowledge and remember a relative interned at Manzanar because her infant son was half-Japanese.....and she could not marry his Japanese father because of miscegenation laws at the time; and 3) depending on the tribe, these laws have had tremendous impact on the political history and social evolution of many Tribes.*

*Have you determined the story-behind-the story of critical clauses in your Constitution because of these laws? Is there a family story about the imposition of civil marriage over*

*custom law? And, currently, how does this one tiny (but elephant in the room) topic wreck havoc with enrollment policies and politics? Just a few thoughts to ponder over a cup of 'jo. sdc*

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***For tribal infrastructure and technical wonks:***

Attached please find a Policy Brief prepared by Connected Nation regarding a Public Notice recently released by the FCC advancing the Connect America Fund Phase II implementation process. The Public Notice is a key step in the implementation of the Connect America Fund that will ultimately determine the allocation of approximately \$10 Billion in subsidies across five years. The Public Notice describes technical details of a cost model that the FCC is developing that will be used to allocate these funds across various jurisdictions. The FCC requests comments from stakeholders –providers and non-providers alike- through this process.

Please let me know if you have any additional comments or questions.

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**FCC Begins Assessment of Connect America Fund Phase II Cost Model  
A Connected Nation Policy Brief  
June 25, 2012**

The Federal Communications Commission (FCC) continues to press forward with its plans to transform its universal service subsidy system to directly support broadband service. Earlier this month, the FCC released a Public Notice requesting comment regarding the cost and economic model that it will use to calculate the ongoing subsidy level that it will offer larger telephone carriers to provide broadband in the unserved parts of their service territories. This Public Notice follows from the FCC's USF/ICC Transformation Order released last October and marks a significant step in the planned shift in funding away from traditional, voice networks and towards broadband networks capable of supporting speeds of 4 Mbps download (DL)/1 Mbps upload (UL).

The FCC estimates that the service territories of the larger, "price cap" local telephone companies collectively include approximately 80% of the 18.8 million Americans who do not have adequate broadband access today.

These areas include the traditional telephone service territories of the following companies: Alaska Communications System (ACS), AT&T, CenturyLink, Cincinnati Bell, Consolidated Communications, Fairpoint Communications, Frontier Communications, Hawaiian Telecom, Virgin Islands Telephone Co., Micronesian Telecommunications, Puerto Rico Telephone Company (PRTC), Verizon, and Windstream Communications.

Officially called "Connect America Fund Phase II," this model will have a significant effect upon the economics of getting broadband to many unserved Americans. The FCC model will calculate an estimated subsidy amount that will be offered to these large companies to build out broadband across their unserved service area on a statewide basis. The price cap providers can accept or reject the offer for a state- or territory-wide build-out. If a provider rejects the offer in a state or territory, the opportunity will be offered to other eligible providers. All told,

nearly \$10 billion in subsidies over the next five years will be allocated pursuant to these models.

How these models are written and implemented will have a significant impact upon the broadband landscape in every U.S. state and territory. If the FCC gets the model right, subsidies will be calculated in a way that spurs appropriate broadband deployment where it is lacking; if the FCC gets the model wrong, the broadband landscape in states and territories will be distorted for years to come. The Connect America Fund Phase II Public Notice offers the public, including state, local, and regional governments, an opportunity to comment on the model's design and inputs. While the subject matter may seem arcane, the importance of this proceeding cannot be overstated.

### **Phase II of the Connect America Fund for Price Cap LECs**

Phase II of the Connect America Fund for price cap carriers is designed as an interim five year stage that will allocate up to \$1.8 billion annually across all price cap providers to subsidize expansion of broadband access to unserved households, businesses, and community anchor institutions. The June Public Notice sets in motion a process to establish a framework to determine how to allocate funds across the various price cap providers.

With this framework, the FCC aims to estimate the support necessary to serve areas where costs are above a specified benchmark, but below a second "extremely high-cost" benchmark established by the FCC. The FCC will offer each price cap carrier a model-derived support amount in exchange for a commitment to serve all locations in its service territory within a state or territory that, based on the model, fall within the high-cost range (above the specified cost benchmark but below the "extremely high-cost" benchmark) and are not served by competing, unsubsidized providers.

In other words, based on calculations from this cost model, price cap providers will be offered a subsidy amount over a five-year period in exchange for a broadband deployment commitment across all unserved areas within their service territory across a whole state or territory. Each price cap carrier will be able to accept or reject such subsidies and associated commitments only on a jurisdiction-by-jurisdiction basis. If the provider accepts the build-out commitment, the subsidized broadband service will need to meet the FCC's specified voice and broadband performance criteria. If the price cap carrier rejects the FCC subsidy offer within a state or territory, support will be offered to other eligible broadband providers through a competitive bidding mechanism.

The FCC's current timeline would have it adopting a model this year and estimating these company and state- or territory-specific subsidy levels by 2013. How the FCC builds this broadband cost model and how it employs it in calculating subsidy levels for states and territories is critically important. These calculations will affect the economics of providing broadband to approximately 15 million of the estimated 18.8 million Americans who do not have adequate broadband service.

### **The FCC's Broadband Cost Model Proposals**

The FCC's USF/ICC Transformation Order left the details of the framework to allocate funds across the various price cap service territories to the FCC's Wireline Bureau. As a result, this process will be staff-driven and fact-intensive. The Public Notice asks a number of questions, each of which could have a profound impact upon the success of the process.

The FCC's model attempts to estimate the cost of providing broadband service across unserved areas based on wireline technology and at a census block or smaller level. The FCC has dictated that the Wireline Bureau staff consider the unique circumstances of Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands, and Northern Marianas Islands when adopting a cost model and must consider whether the model ultimately adopted adequately accounts for the costs faced by carriers serving these areas.

While complex, the premise of the FCC model is simple: how much of a subsidy is needed to incent a provider to build broadband service across these unserved areas for five years? The premise of that question is that buildout has not taken place because, without subsidies, business plans for deployment are not viable.

Answering that question involves, however, a number of key assumptions, including:

Assumptions on Existing Infrastructure: Should the model calculate the cost of building an entirely new network (e.g., "green-field") or should it assume that certain existing components of the telephone network (such as central office locations and fiber connection points) are in place? At stake in this decision is whether the model will make adjustments for existing network design constraints that are faced by price cap carriers on the ground.

Technology to the Premise: Should the model assume a fiber-to-the-premise network architecture, or should it model a combination of fiber-to-the-node and DSL technology? At stake is the quality of network that will be subsidized through these funds.

Terminal Value of the Modeled Network: Should the assumed terminal value after the five-year Phase II period be zero, or some positive amount based on market or book value accounts? At stake is whether the FCC plans to subsidize networks of sufficient capacity to remain commercially viable after five years, or – lacking this – be designed in such a way that modular incremental investment can be achievable so as to ensure commercial viability after this period. In short, whether the citizens served by these networks will have "usable" broadband available after the five-year period.

Account for Underserved Areas or Only Unserved Areas: Should the model calculate support to areas to which broadband has already been deployed, albeit at slow speeds, or only to unserved areas? At stake is whether subsidies will flow only to areas that have no fixed broadband available – whatsoever – or also to areas that have low speed broadband available, offered by the price cap carrier itself, or possibly a competitor.

Interestingly, the FCC did not choose to highlight in this Public Notice one key factor: the role that expected demand and revenue and certain operations costs will play. The amount of subsidy needed to entice a provider to "build-out" is not simply a function of the cost of service, it is also a function of how much revenue a provider can expect to receive once that network is built and operational costs. To the extent that revenues or operations costs (for example those derived from backhaul traffic) are not homogenous across the nation, this omission could result in model distortions across various jurisdictions. For example, it is flatly incorrect to assume that the revenue opportunity in building a network in Puerto Rico – with 31% broadband adoption – or in Alaska – where latency and satellite middle mile lower the quality of connections – is the same as urban areas in the country. This question is not limited to

insular locations – Connected Nation’s research indicates that in rural areas, only 50% of households on average subscribe to broadband, lower than the 68% in urban areas.

Lower adoption rates affect the business case for deployment and should be modeled appropriately.

The Public Notice asks for public comment on these questions. The importance of these models on the broadband landscape cannot be overstated. Ultimately, at stake is whether people in unserved areas receive the network upgrades that they need in order to be connected to the digital economy. If the FCC gets these calculations wrong, broadband deployment could be skewed for five years or more. Therefore, while highly technical, we encourage interested parties to review the information, assess the assumptions, and challenge them where appropriate.

In addition, state and local governments and other stakeholders should be mindful that, once model assumptions are made, the FCC will need to rely on significant data contributions from the price cap carriers themselves in order to inform key assumptions of the model. To the extent that price cap carriers are not willing to participate in this data gathering process, jurisdictions across the USA may be left out of the model and, unless the FCC proposes a different path, potentially left with a deficient and unfair subsidy offering. Again, it is important to know that the “losers” in any such scenario will not be the companies themselves – the losers will be the unserved consumers in your community who will have missed out on an opportunity to see increased broadband availability.

What’s Next for USF Reform?

Comments to this Public Notice are due on July 9, 2012. Reply comments are due on July 23, 2012.

If you are interested in learning more about these developments, please do not hesitate to contact us. To further examine the FCC’s documents and resources related to the Connect America Fund, visit the following section of the FCC’s website at:

<http://www.fcc.gov/encyclopedia/connecting-america>.

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**To Lure 'Twilight' Teenagers, Classic Books Get Bold Looks**

By JULIE BOSMAN

Publishers are dressing classic novels like "Emma" and "Jane Eyre" in sexy new covers, hoping to appeal to the young-adult readers who made "Twilight" and "The Hunger Games" so popular.

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**World Community Grid**

World Community Grid brings people together from across the globe to create the largest non-profit computing grid benefiting humanity. It does this by pooling surplus computer processing power. We believe that innovation combined with visionary scientific research and large-scale volunteerism can he..

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**Janet Davis on Future Nevada Olympians**

Okay fb friends and family....today is a big day for Tyler's bro Gabby Williams....she is in Oregon at the Olympic Trials trying to qualify in the High Jump. So think good thoughts....pray to the Track gods....so that she may get some clean and some of the highest jumps.....so that we

can see her compete in the Olympics in London!!!! Go Gab!!! — with [Gabby Williams](#) and [Tyler Sumpter](#).

On another Olympic Trial note....let's wish Michaela King' cousin Jake Dalton good luck also....he's competing in gymnastics trying to make it to London also!!!! Let's go Nevada support our Olympic hopefuls!!!

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**The University of Maine Digital Curation program** is a **two-year graduate certificate, taught online, intended for professionals working in museums, archives, artist studios, government offices, and anywhere that people need to manage digital files. The program walks students through the phases of managing digitized or born-digital materials, including acquisition, representation, access, and preservation.**

Although the certificate is designed to be completed in two years, part-time students may choose to spread the 18 credits (6 courses) over a longer period. They may also take individual courses without enrolling in the certificate program. To make things easier for students currently working in collecting institutions, we have designed the final course as an internship that may take place in the student's own workplace.

For more information, go to: <http://DigitalCuration.UMaine.edu>

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### **Scientists Warn US East Coast Over Accelerated Sea Level Rise**

*Damian Carrington, Guardian UK*

Intro: "Sea level rise is accelerating three to four times faster along the densely populated east coast of the US than other US coasts, scientists have discovered." [READ MORE](#)

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### **LAS VEGAS-PHOENIX INTERSTATE LINK MOVES CLOSER TO REALITY**

A federal highway bill that was finalized by the U.S. House and Senate negotiators late Wednesday would allow federal funding to upgrade U.S. Highway 93 between Las Vegas and Phoenix to expressway standards.

<http://erj.reviewjournal.com/ct/uz3688753Biz13774884>

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### **SUPREME COURT STRIKES DOWN STOLEN VALOR LAW**

The Supreme Court on Thursday struck down a federal law that made it a crime to falsely claim being awarded medals of valor, saying the law infringed on the First Amendment protection of free speech.

<http://erj.reviewjournal.com/ct/uz3688753Biz13774885>

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### **Does your Tribe have an electronic records policy?**

#### **DISCOVERY MAY LEAD TO SANDS SANCTIONS**

Las Vegas Sands Corp. could face state court sanctions for not revealing that about 100,000 emails and other documents, previously

said to be tied up in Macau and unavailable to a lawsuit plaintiff, actually have been in Las Vegas since 2010.

<http://erj.reviewjournal.com/ct/uz3688753Biz13774890>

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## **Tule Springs preservation is centerpiece of sweeping lands bill**

LAS VEGAS REVIEW-JOURNAL

Posted: Jun. 27, 2012 | 12:01 p.m.

WASHINGTON - The fertile fossil beds and rare plants dotting swaths of federal land on the northern outskirts of the Las Vegas Valley would be granted long-sought protections under a bill introduced Wednesday by Nevada lawmakers in Congress.

The set-aside of 22,650 acres into what would be known as the Tule Springs Fossil Beds National Monument is the centerpiece of a sweeping public lands bill that also would expand conservation areas of Red Rock Canyon.

Nevada's newest - and only - national monument would border the cities of Las Vegas and North Las Vegas, the Las Vegas Paiute Indian Reservation and the Desert National Wildlife Refuge.

The sawtooth-shaped patch of desert is littered with the bones of mammoths and other extinct animals that lived and died between 10,000 and 100,000 years ago.

"We're out there collecting fossils every day," geologist and paleontologist Kathleen Springer said. "There's fossils falling out of the ground."

A handful of other Clark County land initiatives - some new and some that have otherwise languished in Congress - are packaged into the proposed legislation.

At the same time, the bill would make available blocks of land for development within Las Vegas and North Las Vegas, and release 10,240 acres along Sunrise Mountain that had been tied up in studies as possible wilderness.

All told, the Las Vegas Valley Lands and Tule Springs Fossil Beds National Monument Act is the broadest effort to shape the boundaries of the valley since enactment of a Clark County public lands law in 2002, which designated 440,000 acres of wilderness and created a national conservation area at Sloan Canyon.

"It provides for balanced development and job creation within the Las Vegas Valley, while protecting vital natural and scientific resources that should be made more accessible for the public's enjoyment and education," said Sen. Harry Reid, who introduced the bill with Sen. Dean Heller.

Heller said the proposal is balanced between conservation and potential development, a key mix that was necessary to move the bill through Congress.

"The goals are to protect unique areas, while planning for critical infrastructure that will be necessary to meet the future needs of the Las Vegas Valley," Heller said.

The bill's path through a Congress in the six months or so that remain in this year's session could be tenuous, although Reid could use his influence as Senate majority leader to move it along.

Rep. Shelley Berkley was introducing the same bill in the House.

Among its elements the bill does the following:

- Designates national monument land at Tule Springs and the Upper Las Vegas Wash, securing under National Park Service control an area prized by ecologists for its rich ice age fossil beds and the presence of three rare plants native to the Mojave Desert - the Las Vegas bearpoppy, Merriam's bearpoppy and the Las Vegas buckwheat.
- Expands the Red Rock Canyon National Conservation Area by 1,530 acres at the northwest corner of the valley.
- Conveys 640 acres of federal land to the city of Las Vegas and 640 acres to North Las Vegas to establish "job creation zones."
- Releases 10,240 acres along Sunrise Mountain that had been under study by the Bureau of Land Management but was rejected as possible wilderness.
- Conveys 1,200 acres within the BLM's Nellis Dunes Recreation Area to Clark County to be transformed into a park for off-roaders.
- Grants 2,085 acres to UNLV for a new North Las Vegas campus and gives the College of Southern Nevada 40 acres in northwest Las Vegas, while Great Basin College would obtain 280 acres in Pahrump.

The higher education acreage would be used to expand current operations. UNLV has long-term plans to develop the North Las Vegas land, perhaps focusing research operations there. President Neal Smatresk said Wednesday that, if the deal goes through, it probably would be developed over a decades-long period. There is little need and nearly no money to do so right now.

Back at Tule Springs, research has turned up the bones of mammoths, horses, camels, bison, North American lions and ground sloths the size of grizzly bears scattered through a deposit that covers a sizeable portion of the Las Vegas Valley. The proposed monument would protect the "last bastion" of that deposit from urban development, Springer said.

"I tell people, 'Look at your backyard. Your house was built on this stuff.' "

Springer is senior curator of geologic sciences at San Bernardino County Museum in California. Since 2001, she has led a team that has collected thousands of fossils from the upper Las Vegas Wash. Last year, she and her crew pulled more than 500 bones from a single spot - the highest concentration of fossils yet found in an area paleontologists have explored since the 1960s.

"We called it a super quarry," Springer said of the site. "It was like mammoth heaven."

The entire Tule Springs area provides a unique window into a vast swath of time.

"This site recounts the ice ages, the waxing and waning of water, and how the animals responded," Springer said. "The climate change aspect of this is crucial."

Sandy Croteau is one of the founding members of the Protectors of Tule Springs, a small volunteer group formed about five years ago to keep the fossil beds from being trashed or covered in homes.

"This is a big thing for the state of Nevada, for our country and for the next generations to come," she said of the bill. "It's been a long time coming."

Right now, the land in question is closed to vehicle traffic without a permit from the BLM. Approval as a national monument would launch a planning process through which valley residents will help shape how the public accesses the area, said Lynn Davis, Nevada program manager for the National Parks Conservation Association.

The monument should have no trouble drawing tourists, thanks to its scientific importance and its proximity to one of the world's most popular tourist destinations, Davis said.

"We believe this can be a model for an urban national park. You've got some priceless resources there, and the public is going to watch them being uncovered," she said.

Springer and her museum colleagues are excited about the educational possibilities. The site lends itself to becoming an open-air classroom where people young and old can watch as the bones of ancient animals are collected and examined.

"Our brains are exploding with all the awesome things we can do for the public," she said.

But advocates didn't get everything they wanted from the bill.

Davis and company said they were disappointed by the inclusion of a transmission corridor that could allow NV Energy to build a new power line across the proposed monument.

Rob Mrowka from the Nevada office of the Center for Biological Diversity called the power line corridor "a blemish" on legislation that is otherwise "wonderful news for the valley" - at least the parts of the bill concerning Tule Springs.

Review-Journal writer Richard Lake contributed to this report. Contact Stephens Washington Bureau Chief Steve Tetreault at [stetreault@stephensmedia.com](mailto:stetreault@stephensmedia.com) or 202-783-1760. Contact reporter Henry Brean at [hbrean@reviewjournal.com](mailto:hbrean@reviewjournal.com) or 702-383-0350.