

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 170, 203, 206, 207, 214, 215, 251, 252, 255, 256, and 257; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating thereto appear at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

CENTRAL INTELLIGENCE AGENCY

Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

DEPARTMENT OF STATE

Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

FEDERAL COMMUNICATIONS COMMISSION

Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

DEPARTMENT OF LABOR

Kathleen Martinez, of California, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

[NEW REPORTS]

DEPARTMENT OF DEFENSE

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

NOMINATION OF JULIUS GENACHOWSKI

Mr. DEMINT. Mr. President, I would like to speak for a moment about a pending nomination that is not necessarily the topic of dinner table conversations around the country, but is nonetheless very important in all our daily lives. I am speaking of the Chairman of the Federal Communications Commission, the FCC.

Wireless phones, cable, and satellite television, Internet services, and local television and radio are a part of everyone's daily lives in one way or another. And while we may all have a customer service issue from time to time, for the most part these industries and the products they offer are a showcase of the freedom and innovation that has made America the most dynamic economy and society in the world's history.

We have seen these innovations in dramatic ways in recent days with Twitter reporting, YouTube videos, and mobile updates from the streets of Iran. Of course, the most important element of this new technology is that it gives an unprecedented power to individuals to speak about and share their personal experiences—everyone is empowered and the individual controls the message.

This is very important as it changes the media paradigm we have known for a generation. We often hear the terms “old” and “new” media. It is more accurate to say “centralized” and “personalized” media. Not long ago, the average American had access to only a handful of radio and television programming, a local newspaper, no Internet, no mobile telephone service, no texting, and certainly no mobile broadband. In other words, the average person had far less access to information than today, and from far more centralized sources.

The changing communications landscape calls for a knowledgeable and forward-looking FCC; not one looking to regulatory structures of the past that will hamstring future growth and innovation. The President has nominated Julius Genachowski to be Chairman of the FCC. While I believe he is very knowledgeable about today's communications landscape, I am afraid he may have tendencies to direct the development of our private communications industries, particularly broadcast media, with an eye towards the past.

Many of my colleagues have chosen to give Mr. Genachowski the benefit of the doubt, and are supporting his nomination. I believe he has enough votes to be confirmed as FCC Chairman. While I remain concerned that Mr. Genachowski will take us backward, towards more government control of media, more government interference in commerce, and, unfortunately, more government control of media content—I will not prevent his nomination from proceeding.

I will, however, be vigilant in the weeks and months ahead and will fight any effort that even appears to have the effect of limiting or mandating political speech on the airwaves. Mr. Genachowski has said that, under his guidance, any rules that the Commission considers would be through “processes that are open, transparent, fair, and driven by facts about the industry and the marketplace.” I hope this is true and promise to hold him to his commitments.

NOMINATION OF ROBERT S. LITT AND STEPHEN W. PRESTON

Mrs. FEINSTEIN. Mr. President, I rise today to support the confirmation of Robert S. Litt to be the second general counsel of the Office of the Director of National Intelligence. I also rise in support of the confirmation of Stephen W. Preston as general counsel of the Central Intelligence Agency, to fill the vacancy in that office that has existed since 2004. President Obama's decision to place these distinguished lawyers at the helms of these vitally important legal offices is an essential step in ensuring that the intelligence community operates within the rule of law.

On June 11, the Select Committee on Intelligence, which I am privileged to chair, favorably reported the nominations by a bipartisan 14-1 vote. The committee's support of the nominees is based on an extensive public record. We questioned them at an open hearing on May 21. That day we also placed on our website their responses to our questionnaire for presidential nominees and to additional prehearing questions about the offices for which they have been nominated.

On June 5, we placed on our website their responses to a further, extensive round of posthearing questions. We also examined financial information that is available to the public through the Office of Government Ethics and confidential communications to the committee from the nominees that supplement their public answers about how they will approach potential conflicts relating to their private law practices.

Mr. Litt is a graduate of Harvard University and Yale Law School. He clerked for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the Supreme Court. He served as an assistant U.S. attorney in the Southern District of New York for 6 years. He later became a partner at the law firm of Williams & Connolly. Then from 1993 to 1999, after a year at the State Department, he held two important posts at the Department of Justice. There, after service as a deputy assistant attorney general in the criminal division, he rose to be Principal Associate Deputy Attorney General. At the DOJ, his responsibilities included FISA applications, covert action reviews, computer security, and other national security matters.

He has been a partner with the law firm of Arnold and Porter since 1999 and has been active in intelligence and national security policy matters through bar association and other public activities.

Stephen Preston is a graduate of Yale University and Harvard Law School. He clerked for Judge Phyllis A. Kravitch of the U.S. Court of Appeals for the 11th Circuit, and joined Wilmer, Cutler, and Pickering, where he became a partner. From 1993 to 2000, Mr. Preston served in the Department of

Defense and the Department of Justice. At the Department of Defense, he was a deputy general counsel and then the principal deputy general counsel, which included a period as acting general counsel and later, general counsel for the Department of the Navy. At the Department of Justice, he was a deputy assistant attorney general in the civil division. While at DOD, the chief counsels at the defense intelligence agencies reported to him, and while at the Navy Department he had legal and oversight responsibilities for the Naval Criminal Investigative Service. He has informed the committee that in his DOD and Navy positions, he dealt with other national security agencies, including the CIA.

Mr. Preston has been a partner at the law firm of WilmerHale since 2001, dealing in both his practice and public and private activities with national security matters.

The Director of National Intelligence has the statutory responsibility of ensuring compliance with the Constitution and laws of the United States by the Office of the DNI and the CIA and ensuring that compliance by other elements of the intelligence community through their host executive departments. As the chief legal officer of the Office of Director of National Intelligence, the general counsel has the critically important responsibility of aiding the DNI in fulfilling this mandate.

In providing legal advice to the DNI, the general counsel must have insight into activities throughout the intelligence community including those of the general counsel offices in the various intelligence community elements. As we made clear during this nomination process, the committee expects that the ODNI general counsel will be aware of and have an opportunity to evaluate all of the significant legal decisions made throughout the intelligence community. The general counsel also represents the executive branch in proposing and negotiating legislative provisions for our annual intelligence authorization bill, which is coming up, and for other legislation that affects the equities of the intelligence community. The first ODNI general counsel, Benjamin Powell, played an indispensable role, for which our committee is deeply grateful, in working with the Congress on the FISA Amendments Act of 2008.

The Central Intelligence Agency operates around the world outside of the law of other nations but is required to operate in strict compliance with United States law, including the Constitution, acts of Congress, and treaties made under the authority of the United States. The CIA general counsel serves to ensure that compliance. Because of the independent legal judgment the role requires, the position of CIA general counsel is an extremely challenging one that requires a strong and principled leader. It has been the longstanding position of the Senate, as manifested in the recommendations of the Iran-Contra Committees upon ex-

amining the significant failures they exposed, that it is essential that the CIA general counsel be confirmed by the Senate.

The CIA Office of General Counsel played a key role in the creation of the CIA detention and interrogation program. It provided significant information to the Office of Legal Counsel at the Department of Justice. It participated in briefings to the National Security Council and to Congress. And it was in charge of interpreting and implementing the Office of Legal Counsel's guidance to CIA interrogators in the field.

An examination of the role of the general counsel's office in the detention and interrogation program—something that the Intelligence Committee's review of the program will explore—demonstrates how important it is that the office has a strong leader who applies both sound legal analysis and good judgment to the task of providing counsel to the Director.

As I mentioned earlier in these remarks, the nominees answered the committee's many questions both in writing and in testimony before us. Individual members of the committee may have disagreements with individual answers, and some of these were discussed in the committee's consideration of both. To some extent, the nominees are at the disadvantage of not yet knowing the often still classified context of various questions. I am confident that they will quickly learn.

Moreover, a nomination process is a two-way communication. We use it to learn about the nominees, but it is also a process in which they learn about our concerns. Both nominees now have an abundantly clear idea, for example, of the importance we place on the law's requirements for keeping the committee fully and currently informed. Of course, they will also have the responsibility of implementing the clear commitments that Directors Blair and Pannetta have made to that cornerstone of accountability and oversight.

For both the ODNI and the CIA, the Nation needs a strong general counsel of unimpeachable integrity and an unwavering commitment to the Constitution and laws of the United States. I cannot say that too strongly. I am pleased that our committee has determined that the two nominees are both highly qualified and well suited to serve the Nation by providing counsel to the Director of National Intelligence and the CIA. I urge my colleagues to confirm them.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN587, the nomination of Daniel M. Rooney to be Ambassador to Ireland; that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be laid on the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating thereto be printed at the appropriate place in the RECORD, as if read.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Daniel M. Rooney, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland. The Financial Report of Contributions of Daniel M. Rooney was printed on page S7776 in the July 21, 2009 Congressional Record.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from PN578, Foreign Service list beginning with Susan Marie Carl and ending with Dale N. Tasharski, nominations received by the Senate and that appeared in the CONGRESSIONAL RECORD on June 10, 2008; that the Senate proceed, en bloc, to their consideration; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Susan Marie Carl, of Alaska

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Landon A. Loomis, of Louisiana
Kenton C. Luong, of California
Megan A. Schildgen, of Maryland

DEPARTMENT OF STATE

Karl Miller Adam, of Texas
Anjum F. Akhtar, of California
Elizabeth Ann Albin, of Texas
Mark K. Antoine, of Virginia
Julia Elizabeth Apgar, of the District of Columbia
Daniel Patrick Aragón, of Vermont
Karla Ascarrunz, of Virginia
Nathan D. Austin, of Washington
Dina A. Badawy, of California
Francoise I. Baramdyka, of California
Ashley Chantél Barriner-Byrd, of Pennsylvania
Matthew Baumgardt, of the District of Columbia
Brian Paul Beckmann, of Minnesota
Fritz Berggren, of Washington
Kathryn W. Bondy, of Georgia
Roxana Botea, of Virginia
A. Stephanie Brancaforte, of Virginia
Jennifer Leigh Bridgers, of Georgia
Theodore Brosius, of the District of Columbia
Annmarie E. Bruen, of Virginia
Michael William Campbell, of Maryland
Jessica Chesbro, of Oregon
Henry K. Clark, of Maryland
Bianca M. Collins, of Virginia
Patricia A. Connelley, of Virginia
Justin John Cook, of Virginia
Anton M. Cooper, of Washington
Edward Kenneth Corrigan IV, of Virginia
Ann Marie Cote, of Michigan
Andrew J. Curiel, of California
Douglas M. Disabello, of Virginia
Jenny R. Donadio, of Virginia
Nick Donadio, of Virginia

Colin C. Dreizin, of California
 Jennifer G. Duckworth, of the District of Columbia
 Thomas A. Duval, of Massachusetts
 Amy E. Eagleburger, of North Carolina
 Jeremy Edwards, of Texas
 Jeffrey E. Ellis, of Washington
 Shannon M. Epps, of Virginia
 John C. Etcheverry, of Virginia
 Karen J. Fackler, of Virginia
 Sarah L. Fallon, of Wisconsin
 Craig J. Ferguson, of the District of Columbia
 Dylan Thomas Fisher, of the District of Columbia
 Theodore J. Fisher, of California
 Charles Fouts, of California
 Calvin C. Francis, of Virginia
 Ryan Eastman Gabriel, of Virginia
 Robert A. Gautney, of Virginia
 Joseph Martin Geraghty, of the District of Columbia
 John Drew Giblin, of Georgia
 Stephanie Snow Gilbert, of Oklahoma
 Mark T. Goldrup, of California
 Amit Raghavji Gosar, of Virginia
 John Jake Goshert, of New York
 Forrest Graham, of Mississippi
 Andrea M. Grimste, of Virginia
 Andrew Harrop, of Virginia
 Jessica A. Hartman, of Virginia
 Nickolaus Hauser, of Texas
 Stephanie Made Hauser, of Florida
 Mark E. Hernandez, of Virginia
 Benjamin G. Hess, of North Carolina
 Edward T. Hickey, of the District of Columbia
 Jean Hiller, of Virginia
 Alan Paul Holmes, of Virginia
 Marcia Elizabeth House, of Georgia
 Brent W. Israelsen, of Utah
 William Jamieson, of Virginia
 James Taylor Johnson, of Virginia
 Linda M. Johnson, of the District of Columbia
 Luke Steven Johnson, of Virginia
 Emmitt A. Jones, of Virginia
 Penelope R. Justice, of Virginia
 Rachel Y. Kallas, of Wisconsin
 Stephanie Kang, of Missouri
 Arthur Keating, of Virginia
 Wesley C. Kelly, of Virginia
 Matthew DeFerreire Kemp, of Virginia
 William B. Kincaid, of the District of Columbia
 Jerrah M. Kucharski, of Pennsylvania
 Athena Kwey, of California
 James Lamson, of Virginia
 Dawson Edward Law, of Montana
 Katherine Maureen Leahy, of New Jersey
 Adam J. Leff, of the District of Columbia
 Rong Li, of Maine
 Michael Lis, of the District of Columbia
 Elizabeth Angela Litchfield, of Illinois
 Qin P. Lloyd, of Virginia
 Paul A. Longo, of the District of Columbia
 Louis T. Manarin, of Virginia
 Christa Leora Matthews, of Virginia
 Jennifer L. McAndrew, of Texas
 Daniel Craig McCandless, of Pennsylvania
 Vicki H. McDanal, of Virginia
 LaYanna K. McLeod, of Virginia
 Daniel E. Mehring, of California
 Kristen Ann Merritt, of California
 Sterling Michols, of Nevada
 Rachel I. Mihm, of Virginia
 Kenneth W. Miller, of Virginia
 Zachary J. Millimet, of Virginia
 Scott J. Mills, of North Carolina
 Eric Charles Moore, of Minnesota
 Kristy M. Mordhorst, of Texas
 Michael K. Morton, of Virginia
 Timothy P. Murphy, of West Virginia
 Timothy M. Newell, of Virginia
 Scott A. Norris, of Florida
 Sarah Oh, of New York
 Mark J. Oliver, of Virginia
 James Paul O'Mealia, of New Jersey

Irene Ijeoma Onyeagbako, of Nevada
 Erik Graham Page, of South Carolina
 Timothy J. Pendarvis, of Kansas
 Valerie Petitprez-Horton, of Virginia
 Marlene H. Phillips, of Virginia
 Michael P. Picariello, of Virginia
 Heidi M. Pithier, of Virginia
 Archana Poddar, of Massachusetts
 Stacey D. Price, of Maryland
 A. Larissa Proctor, of Pennsylvania
 Erin Ramsey, of North Carolina
 Jerarnee C. Rice, of Tennessee
 James Thomas Rider, of Michigan
 Syed-Khalid Rizvi, of Maryland
 Jonnifer W. Robertson, of Virginia
 Mark Robertson, of Virginia
 Christopher M. Rogers, of Virginia
 Delbert A. Roll, of Virginia
 Travis D. Rutherford, of Virginia
 Lisa A. Salamone, of Arizona
 Dustin F. Salveson, of Utah
 Lee Eric Schenk, of the District of Columbia
 Janelle L. Schwehr, of Virginia
 Jonathan C. Scott, of California
 Vikrum Sequeira, of Texas
 Mihail David Seroha, of Florida
 Muhammad Rashid Shahbaz, of New York
 George Brandon Sherwood, of North Carolina
 Natalya C. Simi, of Virginia
 Gwendolynne M. Simmons, of Florida
 Nathan R. Simmons, of Idaho
 Christopher James Sinay, of Virginia
 Nisha DiNP Singh, of the District of Columbia
 Matthew Siren, of Virginia
 Kimberly L. Skoglund, of Virginia
 Jeremy Daniel Siezak, of New Jersey
 Eric Anthony Smith, of the District of Columbia
 Veronique E. Smith, of California
 Abigail Anne Davis Spanberger, of Virginia
 Wesley R. St. Onge, of Virginia
 Kristen Marie Stott, of Illinois
 Anna Amalie Taylor, of Virginia
 John Manning Thomas, of the District of Columbia
 Elisabeth Spiekemann Thornton, of Virginia
 Sarah M. Trustier, of Virginia
 Andrea Tully, of Virginia
 Marc E. Turner, of Virginia
 Timothy J. Uselmann, of Virginia
 Annette Vandenbroek, of Wisconsin
 Chad R. Wagner, of Virginia
 Marisa Corrado Walsh, of Virginia
 Michael James Wautlet, of Colorado
 Matthew Harris Welch, of Virginia
 Geoffrey David Wessel, of North Carolina
 Amos A. Wetherbee, of Massachusetts
 Garrett E. Wilkerson, of Oregon
 Steve J. Wingler, Jr., of Georgia
 John Anthony Gerhard Yoder, of Virginia
 Margaret Anne Young, of Missouri
 Melissa B. Zeliner, of Illinois
 Secretary in the Diplomatic Service of the United States of America:
 John J. Kim, of the District of Columbia

The following-named Career Members of the Senior Foreign Service of the Department of Commerce for promotion into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor, effective June 22, 2008:
 Dale N. Tasharski, of Tennessee

Mr. REID. Mr. President, I rushed through these nominations once we were able to get permission to move them forward. Each one of these that we have just read will change people's lives. Some of these people have been waiting a long time to enter public service. Some have been in public service and are moving to a different spot. It is too bad we can't give more rec-

ognition to these outstanding individuals. Their recognition will be based on the job they do while working in this administration. All these people who are approved are not Democrats. They come from both sides. I am thankful and grateful we have been able to get this many done. People have had individual questions about all these nominations, and we worked through them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 190, and that the Senate proceed to that.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 190) Supporting National Men's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution 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 resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, according to the National Cancer Institute—

(1) despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

(2) 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

(3) between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

(4) men die of heart disease at 1½ times the rate of women;

(5) men die of cancer at almost 1½ times the rate of women;

(6) testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

(8) the likelihood that a man will develop prostate cancer is 1 in 6;

(9) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(10) African-American men in the United States have the highest incidence in the world of prostate cancer;